

**“Keep the Boys Happy”:
A Critical Investigation into Rape Trends at
the Cape, 1795-1895**

by

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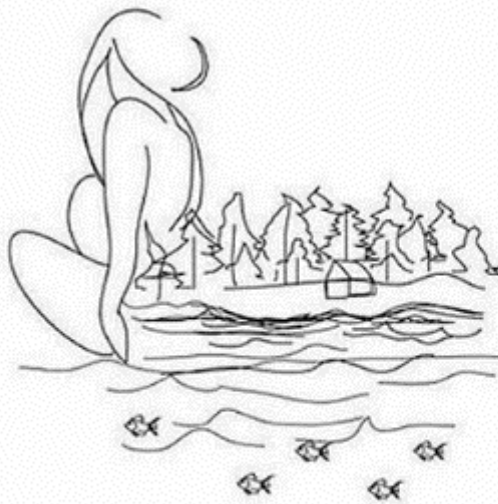
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what's the greatest lesson a woman should learn?

that since day one. she's already had everything
she needs within herself. it's the world that
convinced her she did not.

- rupi kaur



Thank you to all the precious and wonderful people in my life who have worked so hard to convince me that I have always had everything I ever needed within myself. But the biggest thank you to Chet Fransch who managed to not only convince me of this but to bring out the world in me.

To the women whose stories only I know, the women whose stories I do not know and the women whose stories no one knows – I dedicate this work.

Abstract

““Keep the Boys Happy”: A Critical Investigation into Rape Trends at the Cape, 1795-1895” locates rapists in the Cape Colony within the broader existing literature on rape in British colonial settings. It provides empirical data on rape reporting and conviction rates drawn from a systematic investigation of court records over one hundred years. The focus of this thesis, inspired by the works of Joanna Bourke and Chet Fransch, are: who were these rapists, why did they commit these acts of rape and what was the role of the state in regulating rape at the Cape? It is through these lenses that this dissertation revisits the inter-connectedness of rape, race and class in the colonial setting of 19th century South Africa.

Key words: Rape, Cape Colony, 19th Century, Sexual Violence, Class

Opsomming¹

““Hou die Seuns Gelukkig”: `n Kritiese Ondersoek met in Verkragting Tendense in die Kaap, 1795-1895” plaas verkragters in die Kaapse Kolonie met in die wyer bestaande literatuur op verkragtings in die Britse Koloniële omgewing. Dit verskaf empiriese inligting op verkragting verslagdoening en oortuigings koers getrek van n sistematiese ondersoek van die hof se rekords oor die tydperk van n honderd jaar.hundred. Die fokus van die tesis, geïnspireer deur die werke van Joanna Bourke en Chet Fransch, is: wie was hierdie verkragters, hoekom het hulle hierdie dade van verkragting gepleeg as ook watse rol van die staat in die reguleering van verkragting in die Kaap? Dit is deur dié lense wat die verhandeling die interverbondenheid van verkragting, ras en klas in die koloniële omgewing van 19^{de} eeu Suid-Afrika heroorweeg word.

Sleutelwoorde: Verkragting, Kaapse Kolonie, 19^{de} Eeu, Seksuele Geweld, Klas

¹ Translated by Quintin Mitchell.

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Chapter 1

Rape at the Cape of Good Hope, 1795-1895

According to historian Pamela Scully, no comprehensive study of rape in the 19th century Cape has yet been undertaken.¹ It is this scholarly lacuna which has inspired this particular dissertation. The existing sporadic rape literature suggests that the policy-makers at the Cape of Good Hope during this period,² were primarily concerned with issues of miscegenation, differences between classes, the “protection” of women and girls who were of value to white men and the passing down of sentences to fit the perpetrator rather than the crime. This was not unusual throughout the various South African colonies however historian Vivian Bickford-Smith has suggested that the Cape at the turn of the 20th century was a more liberal setting in terms of sexual and social segregation. Nevertheless, regulating sexual activity between the races was of utmost importance both for the state as well as some sectors of the population.³ This coincides with imperial notions of acceptable sexual practices and by extension political – legal definitions of rape in the Cape. Due to the constant fluctuations and inherent limitations of these definitions, Scully’s definition of rape, “an illegal act of reproduction” experienced on women by men”, acts as a pertinent foundation from which to discuss the broader implications of policing rape at the Cape.⁴⁵

Rape, she argues, was considered a “metaphor for a general crisis” where the “categories of race, gender and sexuality informed and were themselves constituted through discussions about morality, law and the social order”.⁶ Sexuality, she asserts, was a key site of colonial anxieties and the multi-layered colonial and metropolitan histories reflect a scenario in which “sexuality,

¹ P. Scully: “Rape, Race and Colonial Culture: The Sexual Politics of Identity in the 19th Century, Cape Colony, South Africa,” *The American Historical Review*, 100(2), 1995, p. 348.

² The Cape *Blue Books* suggest that this encompassed Cape Town, the Cape districts, the Cape Divisional councils and later Eastern and Western districts. Cape boundaries shifted during the period under investigation and this had a direct impact on population growth and the proportion of rapes per capita which appeared before the courts. This is an important aspect to be considered and due attention is given to these shifts, when necessary, in the relevant sections.

³ V. Bickford – Smith: “South African Urban History, Racial Segregation and the Unique Case of Cape Town?”, *Journal of Sothorn African Studies*, 21(1), March 1995, p. 65.

⁴ Cape of Good Hope, Menzies, *Cases Decided in the Supreme Court of the Cape of Good Hope, as Reported by the Late Hon. William Menzies, Esquire*, 3 vols, 1828 – 1849, James Buchanan, (ed.), 1, 1903, p. 143.

⁵ During this time-period, women were the only legally defined victims of rape.

⁶ P. Scully: “Rape, Race and Colonial Culture: The Sexual Politics of Identity in the 19th Century, Cape Colony, South Africa,” *The American Historical Review*, 100(2), 1995, pp. 338-339.

race, gender and class become referents for one another”.⁷ Rape trends therefore need to be investigated within the context of these transitions on a multitude of levels. Of primordial importance are the similarities which existed both in legislation and punishment of rapists at the Cape as well as in the broader British Empire. This was inextricably associated to changing notions of respectability within these colonial settings.

““Keep the Boys Happy”⁸: A Critical Investigation into Rape Trends at the Cape, 1795-1895” will therefore investigate rape trends visible through the court records from the period of 1795 – 1895, from the first British occupation (1795-1803), the Batavian Republic (1803-1806) and the second British occupation. A systematic investigation of the surviving court trials during the 19th century, will provide yet another layer of explanation to this already complex phenomena. A similar approach was used by historian Chet Fransch for the 20th century.⁹ Inspired by the works from both historians Joanna Bourke¹⁰ and Fransch¹¹ three main questions will be asked: who were these rapists, why did they commit these acts of rape and what was the role of the colonial state in policing rape at the Cape? Given the extent of the quantitative nature of this study, these questions pertain to how the courts defined and treated the perpetrators. The primary contribution of this dissertation is to therefore provide a foundation of observable trends based on the more systematic archive of the Cape Supreme courts from which future studies could provide more qualitative analysis. In addition to this systematic investigation, unusual increases in reported rapes, a possible rural rape scare, rapists being sent to New South Wales, nuances of respectability, and a rare case of insanity will demonstrate some of the unusual, albeit idiosyncratic, activity during the period under investigation. These rare cases thus give some indication of changes in political and medico-legal thinking as well as suggest what was considered “standard” rape practice at the time.

⁷ P. Scully: “Rape, Race and Colonial Culture: The Sexual Politics of Identity in the 19th Century, Cape Colony, South Africa,” *The American Historical Review*, 100(2), 1995, p. 341.

⁸ An adaptation from a WWI music score, “Keep the boys happy while they’re away”, words and music written by William G. Henry. This reference draws on the way in which society was expected to keep up the morale of men sent off to far-flung lands, in this instance during war. Many similarities can be drawn between these soldiers and the men who settled at the Cape.

⁹ C. Fransch: “...wood carved by the knife of circumstance’?: Cape Rapists and Rape in South Africa, c.1910-1980”, joint PhD (Stellenbosch University and Vrije Universiteit Amsterdam), December 2016.

¹⁰ Refer to J. Bourke: *Rape: A History from 1860 to Present* (London: Virago Press, 2007).

¹¹ C. Fransch: “...wood carved by the knife of circumstance’?: Cape Rapists and Rape in South Africa, c.1910-1980”, joint PhD (Stellenbosch University and Vrije Universiteit Amsterdam), December 2016.

1.1 Literature Review

Consensual and non-consensual sex, or rape, sexuality, race, class and gender, as suggested above, are inextricably connected. Historians Richard Elphick and Robert Carl-Heinz Shell investigate interracial relations in the Cape during 1652-1713. Their observations about consensual sex and marriage corroborate the findings of historian Johannes August Heese who suggests that there was a lack of sexual activity between black males and white females.¹² Elphick and Shell investigate these relationships through the cases of Anthony of Mozambique, convicted for the rape of Anne Jourdon in 1713 and Hendrik van Nias also convicted for the rape of Susanna Kuun in 1732.¹³ They illustrate the barbaric nature of the sentencing of black men who raped white women in comparison to the sentencing of white males who raped black females during this period. Furthermore, race, class and patriarchal norms defined both consensual and non-consensual sexual relations at the Cape by 1795. Another observation drawn is that there were covert relationships and marriages between the different racial groups, although Heese points out that there were only six interracial marriages during this period and that this kind of interaction was punishable by law during 1652-1867.¹⁴ This would suggest that additional clandestine interracial relationships might have indeed existed.

Historian Mansell Upham's study scrutinizes the unlikely sexual relations between white women and black men under the rule of the Dutch East India Company (DEIC) at the Cape of Good Hope during the period of 1652-1713.¹⁵ Upham also reviews the work of Elphick and Shell and questions their process of selecting cases, their lack of statistics and their use of only three cases to cover "a range of interracial sexual activity".¹⁶ Upham continues to investigate the attempted rape and rape of white female minors and adults by male slaves. Five cases of attempted rape are mentioned, where the sentences for the crimes were: the death penalty, to

¹² The very nature of racial terminology is highly problematic and complex during the early history of South Africa. For the 19th century Cape, for example, the *Blue Books* census refer to "whites", "coloureds" and "aliens". Few court records distinguish between the races. As far as possible, the same racial terminology as found in the sources will be referred to, unless otherwise indicated.

¹³ R. Elphick & R. Shell: *Intergroup relations: Khoikhoi, settlers, slaves and free blacks, 1652-1795* (Cape Town: Longman Penguin Southern Africa Ltd, 1979), p. 114.

¹⁴ *Ibid.*, p. 116.

¹⁵ M. Upham: *Keeping the gate of Hell... 'subliminal racism' & early Cape carnal conversations between black men & white women*, <http://www.e-family.co.za/ffv/RemarkableWriting/UL06Keeping.pdf>, October 2012, (June 2016).

¹⁶ *Ibid.*, pp. 12-13.

be broken on the cross and to be hung.¹⁷ Two cases of rape of white female minors by male slaves are also mentioned. For example, the case of Anthony of Mozambique who raped the young daughter of his master in 1713. He had his flesh pinched by hot irons, was then broken on the wheel, decapitated and had his head put on a pole in a bid to deter others from committing a similar crime.¹⁸ This case specifically indicates the severity of the sentencing when there was a trial involving the rape of a white woman (or even worse – a white child). These cases reflect the most extreme forms of punishment, and it is evident through the seven cases regarding male slaves and white females and minors, that this was a common form of punishment.

One of the most illuminating contributions to the study of rape at the Cape is that of historian Nigel Penn. Penn's study investigates the rape of a Khoikhoi woman by a white "knecht"¹⁹ in 1727. The article contextualises rape in the broader context of sex between different races.²⁰ Penn makes three particularly interesting claims: no white man was ever convicted for the rape of a slave or Khoikhoi woman during this period; there existed an entrenched fear amongst white settlers that their settler women would be raped by these aggressive slave or Khoikhoi men; and, white men were protected from ever being prosecuted for rape.²¹ Penn also elaborates on the methodological issues of researching rape at the Cape. He explains that the volumes that record criminal sentences only include cases where sentences were passed.²² Therefore, it is not that these cases did not occur but rather that the crimes could not be proven.

Penn makes use of one specific case to investigate his claims. This assault occurred in August 1727, when the farm's "knecht" killed a fellow slave. He went on to rape the slave's mother. During the trial, Roelofs justified his actions by saying that he had drunk three bottles of wine.²³ Penn concludes that during this period there were many unmarried men and that the

¹⁷ M. Upham: *Keeping the gate of Hell... 'subliminal racism' & early Cape carnal conversations between black men & white women*, <http://www.e-family.co.za/ffy/RemarkableWriting/UL06Keeping.pdf>, October 2012, (June 2016), pp. 23-26.

¹⁸ *Ibid.*, pp. 12-13.

¹⁹ Defined here as hired labourer.

²⁰ N. Penn "Casper, Crebis and the Knecht: Rape, Homicide and Violence in the Eighteenth- Century Rural Western Cape," *South African Historical Journal*, 66 (4), December 2014, p. 611.

²¹ *Ibid.*

²² *Ibid.*, p. 627.

²³ Intoxication is a constant justification for most crimes committed during this period (eighteenth century).

frustration of not finding a consenting partner led to many cases of non-consensual, sexual violence.²⁴ Furthermore, he argues that most white men at the Cape never married and sought sexual gratification from unsuspecting Khoikhoi women. Penn further argues that this was so common that few cases were actually even reported out of fear for further reprisals.²⁵ This would certainly explain the negligible numbers of rape cases brought before the courts. It also provides the backdrop for changing legislation which attempts to protect servants in the 19th century.²⁶

There is little surprise in this under reporting of white on black rape. Jessica Murray (Professor of English Studies and Gender) for example, investigated Cape slave narratives and post-narratives, specifically looking at the ways in which slave women were victims of physical and discursive violence.²⁷ According to Murray, the Cape, during the 18th century, was very much a male dominated society.²⁸ Moreover, the Cape saw political, social and economic power in the hands of white men. This placed vulnerable slave women (whose bodies were legally owned by slave holders) at greater risk of sexual assault. Although it is argued that some female slaves were compelled to enter into sexual relations with their masters to secure advantages for themselves as well as their children, it is difficult to determine this due to the extreme power which the slave holder had over the female slave.²⁹ One contemporary debate which outlines this complexity followed from the 2017 film *Krotoa*. The recently released film conveys the story of “the most famous Khoi woman in history” and has sparked discussion on power dynamics between “native” women and colonising men. It also calls into question the intricate nature of rape, sexual desire and miscegenation in 17th century Cape Town.³⁰

This patriarchal society also saw slave men being allowed to exert some control over slave women. Murray admits that although this control was severely limited, it was of great

²⁴ Penn relies on existing literature for this conclusion and did not utilize archival research of his own to justify this claim.

²⁵ N. Penn: “Casper, Crebis and the Knecht: Rape, Homicide and Violence in the Eighteenth- Century Rural Western Cape,” *South African Historical Journal*, 66 (4), December 2014, p. 634.

²⁶ This will be discussed in Chapter 2.

²⁷ J. Murray: “Gender and Violence in Cape Slave Narratives and Post Narratives,” *South African Historical Journal*, 62(3), 2010, p. 445.

²⁸ *Ibid.*, p. 449.

²⁹ *Ibid.*, p. 450.

³⁰ News24: *Does Krotoa whitewash Khoi history?*, <https://m.news24.com/Columnists/GuestColumn/does-krotoa-whitewash-khoi-history-20170818>, August 2017, (June 2018).

importance to these men, who had few other opportunities to exert their dominance.³¹ Murray suggests that during the 18th century there was a “common patriarchal assumption that women were responsible for men’s sexuality and for the control thereof”.³² This, Helen Moffet argues, continues in post-apartheid narratives.³³ Effectively colonised women - who were considered promiscuous, lacked morality and were sexually “unprincipled” - were held accountable for their own sexuality as well as the sexuality they “incited” in men resulting in rape. Although these women were required to control both their own and men’s sexuality, European men still felt the need to control and “tame” women (in particular, colonised women).³⁴ This need to control women is evidence of the male dominated society which saw women in vulnerable positions.

Murray also introduces us to the court procedure during the 18th century. The prosecutor was not present during the interrogation, but rather formulated questions based on the evidence collected during the investigation. These questions were asked by the officer of the court and the accused’s responses were then arranged in a sequence thought to be most logical and chronological by the officer of court.³⁵ Clearly the case was therefore dependent on the interpretation of the court officer, along with their own bias. Consequently, the case appearing in the records would consist only of the information deemed important by the court and be arranged in the way in which proved more beneficial. This is a methodological issue even in this dissertation as all fragments of the colonial past are a product of their own time and creator.

Historian Patrica van der Spuy investigates the sexual outlet for black males at the Cape during the 18th century. Van der Spuy suggests that slave men at the Cape often struggled to find a partner as a consequence of the unequal ratios of slave women and men at the Cape, and due to women’s wet nurse responsibilities.³⁶ This would imply that there was a vast number of

³¹ J. Murray: “Gender and Violence in Cape Slave Narratives and Post Narratives,” *South African Historical Journal*, 62(3), 2010, p. 453.

³² *Ibid.*, p. 454.

³³ H. Moffet: ““These Women, They Force Us to Rape Them”: Rape as Narrative of Social Control in Post-Apartheid South Africa”, *Journal of Southern African Studies*, 32, 2006, pp. 129-144.

³⁴ J. Murray: “Gender and Violence in Cape Slave Narratives and Post Narratives,” *South African Historical Journal*, 62(3), 2010, p. 456.

³⁵ *Ibid.*, p. 452.

³⁶ P. van der Spuy: ““What then was the Sexual Outlet for Black Males?” A Feminist Critique of Quantitative Representation of Women Slaves at the Cape of Good hope in the 18th Century,” *Kronos*, (23), 1996, p. 45.

slave men without partners and consequently searching for a means of sexual outlet. This corroborates Shell's explanation for the initial lack of growth in the slave population during this period.³⁷ Displaced resentment and anger towards slave holders was meted out on the female slave body. These acts included murder and rape.³⁸

Historian Andrew Bank also argues that a more balanced sex ratio would have equated to less sex related criminal behaviour during the late slave period. Additionally, Bank maintains that during the period of 1814-1825 only two cases of rape were committed by slaves and reported to the Court of Justice.³⁹ Van der Spuy further corroborates that the 18th century Cape was indeed a patriarchal society where political, economic, and social power was held by white males. She concludes that rape and other sexual crimes were about exerting power and dominance. Slave and Khoikhoi men, in particular, were attempting to preserve their access to women within their peer group.⁴⁰ These observations echo the theory that rape was about power over the female body.⁴¹

³⁷ R. Shell: "Tender Ties and the Slave Household, 1652- 1834", *Collective Seminar Papers: The Societies of Southern Africa in the Nineteenth and Twentieth Centuries*, 17, 1989, p. 11.

³⁸ P. van der Spuy: "'What then was the Sexual Outlet for Black Males?'" A Feminist Critique of Quantitative Representation of Women Slaves at the Cape of Good hope in the 18th Century," *Kronos*, (23), November 1996, p. 45.

³⁹ A. Bank: *The decline of urban slavery at the Cape, 1806-1843* (Cape Town: Centre for African Studies, 1991) p. 103.

⁴⁰ *Ibid.*, p. 47.

⁴¹ For literature on rape as power see for example: A. Abbey & P. McAuslan: "A longitudinal examination of male college student's perpetration of sexual assault", *Journal of Consulting and Clinical Psychology*, 72, 2004, pp. 747-756; P. Fonagy & M. Target: *Psychoanalytic Theories: Perspectives from Developmental Psychopathology* (New York: Routledge, 2003); J Steinberg: *The Number: one man's search for identity in the Cape underworld and prison gangs* (Johannesburg: Jonathan Ball, 2004); R. Jewkes, K. Dunkle, M. Moss, J. Levin, M. Nduna et al: "Rape perpetration by young rural South African men: prevalence, patterns and risk factors", *Social Science and Medicine*, 63, 2006, pp. 2949-2961 ; S. Mathews, R. Jewkes & N. Abrahams: "'I had a hard life': Exploring childhood adversity in the shaping of masculinities among men who killed an intimate partner in South Africa", *British Journal of Criminology*, 51(6), 2011, pp. 960-977 ; N. Malamuth, R. Sockloskie, M. Koss & J. Tanaka: "Characteristics of aggressors against women: testing a model using a national sample of college students", *Journal of Consulting and Clinical Psychology*, 59, 1991, pp. 670-681; N. Malamuth, D. Linz, C. Heavey, G. Barnes & M. Acker: "Using the confluence model of sexual aggression to predict men's conflict with women: a 10 year follow up study", *Journal of Personality & Social Psychology*, 69, 1995, pp. 353 - 369; N. Malamuth, "Criminal and non-criminal sexual aggressors: integrating psychopathy in a hierarchical-mediational confluence model", *Annals of the New York Academy of Science*, 989, 2003, pp. 33-58; J. Scott: "Gender: A useful Category of Historical Analysis," *American Historical Review*, 91(5), 1986, pp. 1053-1075; R. Seifert: "The Second Front: The Logic of Sexual Violence in Wars", *Women's Studies International Forum*, 91(1&2), 1996, pp. 35-43; S. Brownmiller: *Against Our Will: Men, Women and Rape* (New York: Ballantine Books, 1975); R. Morrell: *Changing Men in South Africa* (London: Zed Books, 2001); L. Vogelmann: *The Sexual Face of Violence: Rapists on Rape* (Johannesburg: Raven Press, 1990); N. Groth: *Men Who Rape: The Psychology of the Offender* (New York: Plenum Press, 1997); R. Porter: "Rape, Does it have Historical Meaning?", S. Tomaselli & R. Porter (eds.): *Rape: An Historical and Social Enquiry* (Oxford: Blackwell, 1986); C. Campbell: "Learning to Kill? Masculinity, the Family and Violence in Natal", *Journal of Southern African Studies*, 18(3), 1992, pp. 614-628 ; C. MacKinnon: "Sexuality, Pornography, and Method: pleasure under patriarchy", *Ethics*,

Historian Robert Ross makes several interesting claims with regards to rape at the Cape. Firstly, he asserts that he is unaware of any man, free or enslaved, being convicted for the rape of a slave woman prior to 1807.⁴² This was subsequently challenged by historian Russel Viljoen who referred to a slave named Fortuin van Bengale who was sentenced to death for raping a slave child in 1738.⁴³ One could argue that Ross refers to a woman and not a child. This calls into question the difference between the raping of an adult woman and the rape of a child, an important distinction that is made within this study. However, Ross further argues that the passing of the death sentence, during the 18th and 19th centuries, was a common practice to protect “moral and religious” married women and girls who were not yet old enough to be married.⁴⁴ In addition, Ross investigates the notion of “free confessions”. He claimed that the British inherited the use of torture to extract confessions during their first occupation in 1795. According to Ross, the British declared this method inhumane and eventually abolished it.⁴⁵ However, despite Ross’s claims “free confessions” continue to appear in the records of this study.

Historian Richard Watson examines slave emancipation and racial attitudes during the 19th century in South Africa. Watson makes several invaluable contributions. Firstly, he asserts that the rape of slave women by their masters and master’s sons was frequent and at times very young children were raped.⁴⁶ These rapes went unreported due to the possible stigma that could be attached to the victim. Furthermore, victims were required to testify which would have inhibited the reporting of rape. Considering the notion of rape as power and the shame surrounding the rape victim testifying would have no doubt be extremely difficult for rape victims, especially of the lower classes. This observation is quite pertinent to Chapter 2 of this dissertation. Watson uses two case studies. In 1838, a 13-year-old coloured girl had to testify against Adam from Stellenbosch. The second mentioned case addresses the issue of ejaculation

99(2), 1989, pp.314-346; J. Bourke: *Rape: A History from 1860 to the Present* (London: Virago Press, 2007); S. Deevey: “Such a Nice Girl”, N. Myron & C. Bunch (eds.): *Lesbianism and the Women’s Movement* (Baltimore: Diana Press, 1975); M. Foucault: *The History of Sexuality. Volume 1: An Introduction*, (London: Penguin, 1998) and A. Cahill: “Foucault, Rape and the Construction of the Feminine Body”, *Hypatia*, 15(1), 2000, pp.43-63.

⁴² R. Ross: *Beyond the Pale: Essays on the History of Colonial South Africa* (London: Wesleyan University Press, 1993), p. 114.

⁴³ R. Viljoen: “Reviewed Work(s): Beyond the Pale: Essays on the History of colonial South Africa by Robert Ross,” *Kronos* (22), 1995, p. 165.

⁴⁴ R. Ross: *Beyond the Pale: Essays on the History of Colonial South Africa*, p. 160.

⁴⁵ *Ibid.*, p. 164.

⁴⁶ R.L Watson: *Slave Emancipation and Racial Attitudes in the 19th Century South Africa* (Cambridge: Cambridge University Press, 2012), p. 97.

being necessary to secure a conviction. In the case of Isaac David of Swellendam, the victim testified, “I solemnly swear that he emitted semen into my private parts.”⁴⁷ Watson remarks that “rape with emission” automatically received the death sentence.

Watson also reveals that during the period of 1829-1842, there were 13 cases brought before the courts where “non-whites” were charged with the rape of a white woman.⁴⁸ Here every “prisoner” was found guilty except in two cases. In contrast to this, there were 22 cases where the victim and “prisoner” were assumed to be coloured – here only 13 assailants were convicted. Another contribution Watson makes in terms of rape sentencing was that all coloured men⁴⁹ convicted of rape were sentenced to death by hanging. In comparison to this he states that there were two white men convicted of raping white women during this period. These men were sentenced to 10 years imprisonment with 75 lashes each.⁵⁰ Watson also comments on sentences in terms of honour, status and race. Here he adds that sentences for coloured rapists were almost always more severe than for white males who were charged with the same crime. These factors also influenced whether the rape was reported (Watson considered the factors of honour and status here), how it was assessed and the extent of punishment that it would receive.⁵¹ Furthermore, Watson observes that the legal system treated the rape of white women by coloured men more harshly and this resulted in a 100% conviction rate in these instances. This, he said, was due to the need of the white population to be “vigilant against coloured male sexuality”. This echoes the theory on Black Peril scares.⁵² The passing of the death sentence was also considered a form of protection for the “virtuous females” against the “violence of lust”. This desire to protect females was furthered by the idea that rape was also considered a crime against property. This too echoes rape theory on women as

⁴⁷ R.L Watson: *Slave Emancipation and Racial Attitudes in the 19th Century South Africa* (Cambridge: Cambridge University Press, 2012), pp. 187-203.

⁴⁸ Here Watson defines “non-whites” as “Coloured” people as well as Bantu-speaking Africans originating from the East and North East of the colony, *Ibid.*, p. 7.

⁴⁹ Here Watson defines “Coloured men” as descendants of the Khoisan, freed slaves and descendants and “putatively” mixed-descent people, *Ibid.*, p. 7.

⁵⁰ *Ibid.*, pp. 187-203.

⁵¹ *Ibid.*

⁵² See for example: Author Unknown: “Fourth General Missionary Conference: Report of Commission VI: Black Peril”, *The Christian Express*, August 1912, pp. 126-132; Author Unknown: “The Report of the Assaults on Women Commission”, *The Christian Express*, August 1913; Mockockonono: “Extracts from the Native Press: The Black Peril”, *The Christian Express*, June 1912, p. 94; Author Unknown: “The Native Question”, *The Rhodesia Herald*, November 1902; L. Graham: *State of Peril: Race and Rape in South African Literature* (New York: Oxford University Press, 2012); and Author Unknown: “Native Opinion: An Unsavoury Topic”, *Imvo Zabantsundu*, 1912.

objects.⁵³ Lastly Watson concludes that after the abolition of slavery there were changes in the Court, and a small number of white men were charged for raping non-white women.⁵⁴

Historian Pamela Scully investigates rape, race and colonial culture at the Cape colony during the 19th century. In one particular case, Scully made several important contributions to this field. In George, in April 1850, Anna Sampson (the wife of a labourer) was raped by Damon Booysen. Booysen reportedly went to Anna's house when her husband had gone out to town. Here he asked her to go with him, to which she refused. He responded by seizing her from behind, throwing her to the ground, threatening to stab her and then raping her.⁵⁵ During the trial in September, the judge found Booysen guilty and he was sentenced to death. However, Justice Menzies then wrote to the governor saying that he had made a mistake – that the woman who he had previously thought was white was actually a “Bastard coloured person”. According to the source, in Menzies eyes, this transformed the victim from a respectable woman to one whose chastity was naturally questionable. Booysen's sentence was then changed to imprisonment with hard labour.⁵⁶ Once Sampson's race had been established the judge sentenced Booysen specifically for the rape of a black woman.⁵⁷ Punishment for rape, so it would seem, was clearly determined by the race of the accused and victim more so than the actual crime.⁵⁸ This would have been more effective if the racial hierarchy and classification system had been perfected. However, as Scully, and others, have pointed out, race and class were porous terms during the 19th century.

According to Scully, race played a fundamental role in who was most likely to appear in the court as both a victim and a perpetrator of rape. Majority of rape victims were coloured or black women and in the rare case that the victim was white, she was usually from the working class.

⁵³ See for example: R. Elphick & H. Giliomee (ed.): *The Shaping of South African Society: 1652-1840* (Cape Town: Longman Penguin Southern Africa, 1979) and P. Scully: *Liberating the Family? Gender and British Slave Emancipation in the Rural Western Cape, South Africa, 1823-1853* (Portsmouth: Heinemann, 1997).

⁵⁴ R.L. Watson: *Slave Emancipation and Racial Attitudes in the 19th Century South Africa*, pp. 187-203.

⁵⁵ P. Scully: “Rape, Race and Colonial Culture: The Sexual Politics of Identity in the 19th Century, Cape Colony, South Africa,” *The American Historical Review*, 100(2), 1995, p. 335.

⁵⁶ *Ibid.*, p. 336.

⁵⁷ *Ibid.*, p. 341.

⁵⁸ This finding is mentioned in later literature of Johanna Bourke in: J. Bourke: *Rape: A History from 1860 to Present*, pp. 96-99.

Black and coloured men usually appeared as the charged party.⁵⁹ Scully explains that middle class women were usually absent as rape victims because rape laws failed to consider marital rape or acquaintance rape as rape in the 19th century.⁶⁰ From the 69 cases of rape she mentions, 81% of rapists were labourers. Of these, black men were more likely to be charged than white men as 84% of the reported rape cases involved an accused black man.⁶¹

Scully also conducted a detailed study on rape in the rural Cape between 1823 and 1853. She argues that it was working class women who were most likely to be victims of rape due to having to walk long distances, alone and sometimes at night. This was evident through Scully's investigation of the Bantom versus Rozet case. Bantom received the death penalty after it was established that Rozet was a virgin prior to the assault. Scully reaffirms the idea of women being the prized property of men, especially if she was considered "respectable". White women, according to Scully, did not often appear in the records as victims of rape. This, as mentioned above, could suggest that they were more likely to be victims of rape by husbands or close family members. These crimes would also not be reported due to the social pressures to not dishonour the family.⁶² Black men, she further argues, were more likely to be charged with rape than white men.⁶³ Furthermore, she suggests that it was easier for a black woman to accuse a black man of rape than a "respectable" white man. This is not peculiar to the Cape nor South Africa.

Historian Elizabeth Thornberry investigated sexual assault in the Eastern Cape during 1835-1900. Here Thornberry makes several significant contributions. Firstly, she investigated a specific case in 1856 where a man complained that his wife was raped and that because she was his property he needed a compensation payment for the wrong done to him.⁶⁴ Thornberry states that in rape cases where the victim was married, the compensation payment was received by the victim's husband.⁶⁵ This introduces the notion of vast ethnic and cultural differences.

⁵⁹ P. Scully: "Rape, Race and Colonial Culture: The Sexual Politics of Identity in the 19th Century, Cape Colony, South Africa," *The American Historical Review*, 100(2), 1995, p. 349.

⁶⁰ *Ibid.*, p. 350.

⁶¹ *Ibid.*, p. 352.

⁶² *Ibid.*, p. 165.

⁶³ *Ibid.*, p. 167.

⁶⁴ E. Thornberry: "Defining Crime through Punishment: Sexual Assault in the Eastern Cape c. 1835 – 1900", *Journal of Southern African Studies*, 37(3), September 2011, p. 415.

⁶⁵ *Ibid.*, p. 420.

By 1894, Thornberry reveals through another case where a Xhosa man was convicted of raping a married woman, that there was a change in the form of punishment. Here the perpetrator was sentenced to three years with hard labour as well as 20 lashes. As the courts transformed and compensation payments became less frequent in the formal criminal legal system, they became more frequent in the informal courts.⁶⁶ Compensation payments, according to the source, continued in the informal courts (which were operating without authorization from the colonial administration).⁶⁷ These “clandestine court proceedings” therefore suggest that more rapes were occurring in these rural areas and these would be largely absent from the formal Supreme court archives.

During the 1800s, Thornberry argues that these fines were considered suitable forms of punishment for minor criminal acts whereas imprisonment and corporal punishment were reserved for more serious crimes. The death penalty was reserved for the most serious of crimes.⁶⁸ It is further argued that officials continued to make use of compensation payments and fines.⁶⁹ This explained inconsistent sentencing at the courts based on who the courts deemed deserving of protection. Interestingly, Thornberry points out that the Xhosa community viewed non-consensual sex as immoral even when the victim was a widow or a divorced woman.⁷⁰ This illustrates the blatant conflict between state legislation and black cultures operating in an informal manner in the Eastern Cape. This also brings to the discussion the stark contrast made between which territory later fell under the Western and Eastern District courts. Given the complex nature of cultural considerations, more attention has been given to the Western Districts in this dissertation.

The debates around rape and in particular rape scares, takes a decisive turn in South Africa towards the end of the 19th century. This culminated in the notorious Black Peril Commission. According to the 1913 *Report of the Commission Appointed to Enquire into Assaults on Women*, or the Black Peril Commission, rape was defined as: sexual intercourse with girls under the age of consent, attempted rape and indecent assault on women. By this period, racial classifications

⁶⁶ E. Thornberry: “Defining Crime through Punishment: Sexual Assault in the Eastern Cape c. 1835 – 1900”, *Journal of Southern African Studies*, 37(3), September 2011, p. 416.

⁶⁷ *Ibid.*, p. 424.

⁶⁸ *Ibid.*, p. 422.

⁶⁹ *Ibid.*, p. 429.

⁷⁰ *Ibid.*, p. 419.

included “whites” and “coloured” – where this included those known as “coloured” in the Cape province, “aboriginal natives” of South Africa, Indians and other Asiatics.⁷¹ This report revealed that between 1900-1912 there were few cases of white men raping “coloured” women in comparison to other categories such as sexual assaults by white men on white females and sexual assaults by coloured men on coloured females.⁷² This category however, saw fewer instances of rape than white men raping white women.⁷³

Black women were exploited by white men and many “respectable” white men were indeed found guilty of sexual degradation by the turn of the 20th century. Historian Timothy Keegan referred to the case of Christoffel Hennop (superintendent) of the Kroonstad Native Location. In 1912 Hennop was convicted for the rape of a black women which he committed after he arrested her for not having a pass. He was sentenced to four years with hard labour as the judge stated that white and black rapists should be treated in the same manner. Here the concern of the court, according to Keegan, was to protect white prestige, hence the comparatively light sentence. Nevertheless, this man was found guilty. This was to set an example to other white rapists in the context of the Black Peril scares. It is important to note that Keegan argues that most sexual relations between white men and black women during this period were most likely non- consensual.⁷⁴

Another contribution made by Keegan is that only eight black (including coloured men) men were convicted of raping white women in the whole of South Africa in 1912. During this period due to the “moral panic” almost anything could be construed as rape.⁷⁵ Keegan clearly questions the validity of this claim by quoting the statistics. Nevertheless, due to the social climate at the Cape, a black man was more likely to be sentenced to death for rape and in contrast, a white man received a prison sentence. This was because the black man was not only guilty of rape but also of insulting the “dominant white” race. South African courts saw it as

⁷¹ RP 39/1913, *Commission Appointed to Enquire into Assaults on Women*. Cape Town: The Government Printing and Stationary Office, 1913, p. 3.

⁷² *Ibid.*, pp. 6-7.

⁷³ *Ibid.*, pp. 4-5.

⁷⁴ T. Keegan: “Gender Degradation and Sexual Danger: Imagining Race and Class in South Africa,” *Journal of South African Studies*, 27(3), 2001, p. 466.

⁷⁵ *Ibid.*, p. 471.

their role to uphold racial order during this period.⁷⁶ A series of laws regulating racial interactions unfold in the 20th century making the links between rape and race much more apparent.

It is in this period that the defilement of a white women was considered a direct attack on the purity of the white population. It was “unthinkable” that a white woman would voluntarily enter into a consenting relationship across the colour divide. They were considered “innocent victims” and black men were seen as “bestial villains”. Much debate surrounded the untoward intimacy between black men and white women. Of significance was the “houseboy” and “madam” debates in which women who did not maintain an appropriate distance from these men were seen as somewhat responsible for enticing their assault.⁷⁷ This occurred in a context of heightened concern over black rapists, who were regarded as “instinctual rapists” who preyed on innocent white women. Inhibitions were also argued to be lowered under certain conditions: under the influence of alcohol or marijuana, decreased levels of respect due to the frequenting of white prostitutes, working in close proximity to white women in the home, access to pornographic material depicting white women, and worst of all, inter-racial marriages or consensual inter-racial liaisons.⁷⁸

There is much consensus that the 20th century saw a rigidification of legislation to regulate sexual behaviour in a bid to “protect” the white population. Once the National Party had been elected in 1948, the prohibition of mixed marriages was passed in 1949 followed by the Immorality Amendment Act No.21 of 1950 which went on to ban inter-racial sex between whites and “non-whites”.⁷⁹ According to Historian Catherine Burns, by 1957 immorality was evident in “public life”.⁸⁰ Up until this point most cases of immorality had only been heard in

⁷⁶ T. Keegan: “Gender Degradation and Sexual Danger: Imagining Race and Class in South Africa,” *Journal of South African Studies*, 27(3), 2001, p. 473.

⁷⁷ *Ibid.*, p. 475.

⁷⁸ Author Unknown: “Fourth General Missionary Conference: Report of Commission VI: Black Peril”, *The Christian Express*, August 1912, pp. 126-132.

⁷⁹ C. Fransch: “‘...wood carved by the knife of circumstance’?: Cape Rapists and Rape in South Africa, c.1910-1980”, joint PhD (Stellenbosch University and Vrije Universiteit Amsterdam), December 2016, pp. 95- 96.

⁸⁰ C. Burns: “Writing the History of Sex in South Africa”, paper presented at the Wits Institute of Social and Economic Research, August 2012, p. 18.

the “lower courts” and those that were reported to the authorities were described rather as “sexual assault”.⁸¹

Historian Chet Fransch focuses on Cape rapists and rape in South Africa in the 20th century. He contends that literature on rape suggested that black men were treated with suspicion, unlike their white counterparts, while men of mixed origin, or coloured, were left somewhat under the radar.⁸² He concludes that “the most under investigated yet most prevalent rapist in the Cape courts during this period were coloureds” through an investigation into Cape Supreme Court records and Western and Northern Circuit Court records from 1900 to 1977.⁸³ He continued to express that rape in the Cape colony was blamed on racial mixing during the 20th century.⁸⁴ However, Fransch, unlike existing literature, concluded that individual cases of rape that were brought before the courts were not necessarily influenced by the broader racial rhetoric. Rather, these courts, which were patriarchal and “racialised spaces”, mostly acted outside of the “historically entrenched racial norms”.⁸⁵ For him, court proceedings suggested a heavy class-based approach to regulating rape.⁸⁶ This study argues that this was already in effect in the previous century.

This period is also marked by an extended discussion on masculinities in crisis. Literature on the relationship between rape and masculinities is vast.⁸⁷ Gang rape, in particular, is regarded as a performance of masculinity by members of a gang, on the object, the woman.⁸⁸ These gangs provide a nurturing environment for these aggressive machismos.⁸⁹ According to a

⁸¹ C. Burns: “Writing the History of Sex in South Africa”, paper presented at the Wits Institute of Social and Economic Research, August 2012, p. 18.

⁸² C. Fransch: “...wood carved by the knife of circumstance”: Cape Rapists and Rape in South Africa, c.1910-1980”, joint PhD (Stellenbosch University and Vrije Universiteit Amsterdam), December 2016, p. 23.

⁸³ *Ibid.*, p. 243.

⁸⁴ *Ibid.*, p. 90.

⁸⁵ *Ibid.*, p. 241.

⁸⁶ *Ibid.*

⁸⁷ See for example: K. Wood & R. Jewkes: “‘Dangerous’ love: reflections on violence among Xhosa township youth”, R. Morrell (ed.): *Changing men in Southern Africa*, pp. 317-336; R. Jewkes & R. Morrell: “Gender and sexuality: emerging perspectives from the heterosexual epidemic in South Africa and implications for HIV risk and prevention”, *Journal of the International AIDS Society*, 13, 2010, p. 6; H. Coovadia, R. Jewkes, P. Barron, D. Sanders & D. McIntyre: “The health and health system of South Africa: historical roots of current public health challenges”, *The Lancet*, 374, 2009, pp. 817-834.

⁸⁸ R. Jewkes, K. Dunkle, M. Koss, J. Levin, M. Nduna et al.: “Rape perpetration by young rural South African men: prevalence, patterns and risk factors”, *Social Science and Medicine*, 63, 2006, pp. 2949-2961.

⁸⁹ J. Steinberg: *The Number: one man's search for identity in the Cape underworld and prison gangs* (Johannesburg: Jonathan Ball, 2004); R. Jewkes, K. Dunkle, M. Koss, J. Levin, M. Nduna et al.: “Rape perpetration

survey, in 1996 in Gauteng, 16% of the rape cases involved gang rape where two or more men penetrated the victim. The survey revealed that these rapes mostly occurred in public, whilst most cases of single perpetrator rape occurred in the home. There is still debate about which type of rape was reported more and was more likely to be reported.⁹⁰ According to the source, 87% of the victims were black and unemployed, arrest rates were low and there was often a discrepancy between the perpetrator's account of the attack and the police report.⁹¹ In addition to this, 65.9% of the gang rapes were committed by strangers, 27.1% by acquaintances and majority of the rapists were under the age of 18. Majority of these rapists were either unemployed or students and did not have any previous convictions.⁹² Low rates of arrest and conviction were attributed to societal fears of the gangs.⁹³

Sociologists Graeme Reid and Liz Walker also provide further reflections on South African rape trends in the post 1994 context. According to this source, contemporary South Africa is fixated on all matters sexual. Furthermore, it is argued that there has been a marked increase of gender-based violence as well as increased incidents of child sexual abuse. Rape also became a central focus of the media and with the increased rates of Human Immunodeficiency Virus (HIV) advertising around safer sex practices also became a focus.⁹⁴ According to sociologist Deborah Posel by the late 1970s, rape had become a means of soothing a "brutalised masculinity".⁹⁵ Additionally, the profile of a rapist had evolved. Acquaintance rape was more prevalent and this had deeper psychological implications for the victim.⁹⁶ Sociologist Isak Niehaus also investigated the objectives of rape and concluded that rape was not merely a means to control but also an act through which women's actions and attributes could be

by young rural South African men: prevalence, patterns and risk factors", *Social Science and Medicine*, 63, 2006, pp. 2949–2961; S. Mathews, R. Jewkes & N. Abrahams: "'I had a hard life': Exploring childhood adversity in the shaping of masculinities among men who killed an intimate partner in South Africa", *British Journal of Criminology*, 51(6), 2011, pp. 960–977.

⁹⁰ C. Fransch: "'...wood carved by the knife of circumstance'?: Cape Rapists and Rape in South Africa, c.1910–1980", joint PhD (Stellenbosch University and Vrije Universiteit Amsterdam), December 2016, p. 69.

⁹¹ R. Jewkes, L. Vetten, R. Jina, N. Christofides, R. Sigsworth & L. Loots: "What We Know -And What We Don't Know: Single and Multiple Perpetrator Rape in South Africa", *SA Crime Quarterly*, 41, September 2012, pp. 11–19.

⁹² R. Jewkes, K. Dunkle, M. Koss, J. Levin, M. Nduna et al, "Rape perpetration by young rural South African men: prevalence, patterns and risk factors", *Social Science and Medicine*, 63, 2006, pp. 2949–2961; K. Wood, "Contextualising group rape in post-Apartheid South Africa", *Culture, Health & Sexuality*, 7(4), 2003, pp. 303–317.

⁹³ *Ibid.*

⁹⁴ G. Reid & L. Walker: "Masculinities in Question" in G. Reid & L. Walker, *Men Behaving Differently* (Cape Town: Double Storey, 2005) pp. 8–9.

⁹⁵ D. Posel: "Baby Rape" in G. Reid & L. Walker, *Men Behaving Differently*, p. 30.

⁹⁶ *Ibid.*, p. 45.

confined in terms of their acceptable gender roles. These men, the source argues, were mostly more concerned about their own status than about the status of their victim.⁹⁷ Niehaus continues to explain that many men failed to secure jobs, father children and start households. Failing to succeed in these positions affects their perceived masculine role. Rape was therefore a way for these men to re-assert their power.⁹⁸ In this line of thought, men who were unable to control the women in their lives then sought to attack vulnerable women who they could control. Through this they were able to reaffirm their masculinity.⁹⁹

Finally, one must consider that by the mid-2000s it was reported that 40% of men had been physically violent to a partner in the South African context.¹⁰⁰ Specifically, 40-50% of women were reported to be victims of this violence.¹⁰¹ In this context, intimate partner violence including men utilizing controlling behaviour which often involved sexual and emotional violence on women.¹⁰² Globally, it is recorded that 40-70% of women are killed by their partners. In 1999, a woman was murdered every 6 hours in South Africa.¹⁰³ According to studies on physical violence, one in four children experienced this form of violence daily or weekly. More than 33,3% of girls were reported to experience sexual violence before they turned 18.¹⁰⁴ By the beginning of the 20th century it was reported that 40% of rape victims were girls under the age of 18 and 15% were under the age of 12.¹⁰⁵ Lastly, 2009 saw reports of three

⁹⁷ I. Niehaus: "Masculine Domination in Sexual Violence" in G. Reid & L. Walker, *Men Behaving Differently*, p. 82.

⁹⁸ *Ibid.*, p. 71.

⁹⁹ *Ibid.*, p. 80.

¹⁰⁰ R. Jewkes, K. Dunkle, M. Koss et al: "Rape perpetration by young, rural South African men: prevalence, patterns and risk factors", *Social Science & Medicine*, 63, 2006, pp. 2949-2961; R. Jewkes, Y. Sikweyiya, R. Morrell & K. Dunkle: *Understanding men's health and use of violence: interface of rape and HIV in South Africa* (Pretoria: MRC, 2008); K. Dunkle, R. Jewkes, H. Brown et al, "Gender-Based Violence, Relationship Power and Risk of Prevalent HIV Infection among Women Attending Antenatal Clinics in Soweto, South Africa": *Lancet*, 363, 2004, pp. 1415-1421.

¹⁰¹ R. Jewkes, K. Dunkle, M. Nduna et al, "Factors associated with HIV sero-status in young rural South African women: connections between intimate partner violence and HIV", *International Journal of Epidemiology*, 35, 2006, pp. 1461-1468; R. Jewkes, K. Dunkle, M. Nduna et al, "Factors Associated with HIV sero-positivity in young, rural South African men", *International Journal of Epidemiology*, 35, 2006, pp. 1455-1460.

¹⁰² R. Jewkes, N. Abrahams, S. Mathews, M. Seedat, A. van Niekerk, S. Suffla & K. Ratele "Preventing Rape and Violence in South Africa: A Call for Leadership in A New Agenda for Action", *MRC Policy Brief*, November 2009, pp. 1-2.

¹⁰³ S. Mathews, N. Abrahams, L. Martin, L. Vetten, L. van der Merwe & R. Jewkes: "Every six hours a woman is killed by her intimate partner": A National Study of Female Homicide in South Africa", *MRC Policy Brief*, 4, June 2004, pp. 1-4.

¹⁰⁴ L. Vetten, R. Jewkes, R. Fuller et al: *Tracking Justice: The Attrition of Rape Cases Through the Criminal Justice System in Gauteng* (Johannesburg: Tshwaranang Legal Advocacy Centre, 2004).

¹⁰⁵ M. Peden, A. Butchart, "Trauma and Injury", N. Crisp, A. Ntuli (eds.): *A South African Health Review*, pp. 331-344.

children being murder per day, where majority of the victims were young girls. 10% of these murders were suspected to involve rape or sexual violence and 18% of rape homicides were committed on children under the age of 5.¹⁰⁶ Through the research that follows it will become evident the rape of young girls has been apparent since the 19th century.

Professor Pumla Dineo Gqola studies rape trends in the South African context during the 20th century.¹⁰⁷ Consisting of eight chapters, Gqola's book explores the various relationships between rape and various factors.¹⁰⁸ The first chapter, "A recurring nightmare" defines and contextualizes rape. Here she argues that rape, in the South African context, is about power and sexual violence.¹⁰⁹ The second chapter examines rape and race. She too expresses that rape and race are interconnected. This chapter assesses rape as a "manifestation of post-apartheid culture" and explores the history of rape in this context. It is here that she investigates slavery, colonialism, race science and the stereotypes of African sexuality. Gqola explains that slave and black women were regarded as hyper-sexual, which classified them as un-"rapable".¹¹⁰ The third chapter, "Ruling violence", investigates rape and violence. Through this chapter gender-based violence is explored and Gqola reveals that although South African women are theoretically protected by legislation, in reality they do not feel safe in their daily lives. She also critiques women empowerment movements for focusing on women in the work place.¹¹¹ "Female fear factory", the fourth chapter, focuses on how women are silenced, and how their movement, sexuality and behaviours are regulated. This "factory", which occurs frequently in public spaces, reinforces that not only are women not safe but that they do not have full ownership over their bodies.

Gqola unpacks how young girls are taught to fear a man more than an animal, not to walk alone at night and to be wary of the way they dress.¹¹² Her fifth chapter, which investigates the responses to Zuma's rape trial, reflects how "South Africans chose "to respond to someone

¹⁰⁶ S. Mathews, N. Abrahams, R. Jewkes, L. Martin & C. Lombard: "Child Homicide Patterns in South Africa: Is there a link to Child Abuse?", *South African Medical Research Council Research Brief*, August 2012, pp. 1-4.

¹⁰⁷ P.D. Gqola: *Rape: A South African Nightmare* (Johannesburg: MF Books, 2015).

¹⁰⁸ *Ibid.*, p. 312.

¹⁰⁹ *Ibid.*

¹¹⁰ *Ibid.*, pp. 312-313.

¹¹¹ *Ibid.*, p. 313.

¹¹² M. Kgalemang & S. D. Setume: Reviewed Works: *Rape: A South African Nightmare* by P. D. Gqola, *Pula: Botswana Journal of African studies*, 30(2), 2016, pp. 313-314.

accused of rape, on the one hand, and a woman who laid a charge of rape, on the other”¹¹³. The sixth chapter, titled “A forked tongue”, investigates child rape and molestation through four case studies revealing reactions from the public and judicial system. Through these investigations Gqola suggests that although rapists are often presented as men with psychological problems, these men are sometimes outwardly trustworthy, respectable citizens. She also investigates the judicial system’s sentencing of rapists, she states it is common for the rapist’s age to be considered in his sentencing. She also investigates how sentencing was affected based on the degree of injury showed by the victim.¹¹⁴ Chapter seven, “Rape myths”, involves a discussion of various myths about rape. One myth that she challenges is the idea that rape is about sex. Here she ascertains that rape is about power and an act of non-consensual violence. She also challenges the myth on a woman’s dress and her likeliness of being raped.¹¹⁵ The final chapter reflects on masculinities. Through the example of Jacob Zuma’s rape trial, Gqola suggests that the performance and use of these masculinities affected the trial and the way in which his victim came to not be considered a victim of rape.¹¹⁶

It is in this context that certain trends become applicable to this study. According to the existing secondary literature certain trends remain consistent over time. Race and class played a role in determining who was most likely to appear in the records as both a victim and perpetrator. In terms of sentencing: black men were more likely to appear in the court records as accused rapists, be convicted for the crime of rape and received a harsher sentence for their crime. Sentencing was usually more severe when the case involved a white woman or child. It should be stated, however, that the race of the parties concerned was made explicit in the court proceedings if the case was of particular interest to the courts or was under judicial review. This constituted a small portion of the actual reported cases, as suggested in this study.

Mitigating factors for the crime of rape included alcohol, drugs, white prostitution and inter-racial relationships. There was great concern over white women mixing with “native” men. White married women and young girls who were not yet old enough to be married, deserved

¹¹³ M. Kgalemang & S. D. Setume: Reviewed Works: *Rape: A South African Nightmare* by P. D. Gqola, *Pula: Botswana Journal of African studies*, 30(2), 2016, p. 314

¹¹⁴ *Ibid.*, p. 314.

¹¹⁵ *Ibid.*, pp. 314-315.

¹¹⁶ *Ibid.*, p. 315.

the court's protection. By the beginning of the 20th century, the court was more concerned about protecting the virtue of the white race.¹¹⁷ These white women were regarded as innocent victims at the hands of these bestial black men. Being a woman of good morals – being a virgin, not having consumed alcohol or previously engaged in illegal activity – inevitably led to compassion from the court and a more severe punishment for her rapist. Cape society was a male dominated society where political, economic and social power was in the hands of white males. And finally, women were regarded as the property of men and at times their cases of rape were likened to cases of theft.

It is evident that a systematic investigation of the state of rape¹¹⁸ during the 19th century is necessary in order to establish rape trends at the Cape of Good Hope. These surviving cases will be used to reflect the state of rape in comparison to the existing literature and systematic investigations of rape for other periods. Through this evaluation rural and urban courts will be investigated separately. Here, existing literature and statistics will be contextualised, including legal and medical procedures.

It will then become evident that rape at the Cape, like in most settings and periods, was severely under reported. Cases which did appear before the court depended on the social position of both the perpetrator and the victim and not necessarily based on their race. There was certainly a low incidence of certain classes being categorised as a rapist. However despite what has been suggested by existing literature, the Cape courts of the 19th century were not only concerned with protecting the upper class. This was not to say that upper class men were considered natural rapists, the low conviction rates of these men testifies to this. As suggested by the literature, the 19th century Cape was focused on punishing rather than rehabilitating rapists. Lower classes, as suggested by literature, were more likely to receive a sentence with flogging. The death penalty, which was usually passed down on the lower classes, was used to protect certain women of the Cape. However, despite what has been suggested, the courts were clearly considering crimes that did not only affect the upper class. Rape victims were indeed women of the lower class, and statistics of rape committed by slaves reveal that rape at the Cape was

¹¹⁷ See for example: T. Keegan: "Gender Degradation and Sexual Danger: Imagining Race and Class in South Africa," *Journal of South African Studies*, 27(3), 2001, p. 466.

¹¹⁸ "The state of rape" here refers to rape cases which appeared before the courts.

about power over the female body. This understanding of why men raped, as suggested by literature, eludes to rapists viewing women as an easily-accessible sexual object. These frequently reported lower class rapists, in line with “nature” theories, were considered inherent rapists and had to “confess” to their crimes, as one would do with a naughty child. This is suggestive of the paternalistic way in which these men were infantilised by the judicial system. It is clear that the class and assumed race of both the perpetrator and victim were on trial during these rape cases.

1.2 Methodology

Existing literature provides snapshot views of rape reporting and conviction rates in urban and rural settings in the 19th century Cape. Each study provides an invaluable perspective on rape trends as seen in the courts. No systematic study has been conducted which might present a more nuanced analysis of these rape trends over a 100-year period. The main primary research conducted for this dissertation was a critical investigation of the Court of Justice files, Cape Supreme Court files and Circuit Court files at the Cape Town Archives from KAB CJ 797 – 822, KAB CSC 1/1/1/1 – 1/1/1/42 and KAB CSC 1/2/1/1/ - 1/2/1/115. This involved sifting through 183 boxes of court cases, with approximately 37 000 cases of court files. Correspondence files were also accessed. These included Colonial Office letters sent and received (KAB CO 518, CO 1277, CO 1315, CO 2294, CO 4285, CO 4836, CO 4901 and CO 7338), Government House General Dispatches (KAB GH 1/313), Medical Committee letters received (KAB MC 29), Attorney General Correspondence (KAB AG 3060, AG 3100, AG 3114 and AG 3118), Orders of House (KAB HA 465), Correspondence between colonial and imperial military authorities respecting the continued prevalence of venereal disease (KAB CCP 1/2/1/46) and Public Works Department (KAB PWD 2/1/52).

The Supreme court records are the most systematically preserved form of judicial archive because they are used in establishing case law. Unfortunately, rape cases were not given due attention during the very patriarchal period under investigation and thus the cases provide very little qualitative information on the various parties concerned. Those cases which deviated slightly from “the norm”, involved more unusual sentences or were of particular interest to the courts, were more detailed and have been fleshed out in this study. The qualitative nature of this dissertation would have been improved by reflecting on the magistrate court files.

However, these are not systematically preserved in the archive, with only samples of each sitting being sent to the National Archives. Considering the extensive focus of this study, to provide a systematic 100-year quantitative foundation from which further studies can develop, the extent of the archival research and the manner in which one has to systematically sift through case files to locate cases of rape, the inherent limitations of this study will be further investigated in future projects. It is also important to note that the statistics constructed here are based on one level of the judiciary – the most reliable, despite its flaws. While the statistics may appear negligible, apparent “spikes” and “troughs” discussed in Chapter 2, should be considered in the broader subject-specific field of gender violence. The secondary literature mentioned in the previous section already informs the reader that rape reporting was negligible. Deviations therefore need to be further unpacked. One should point out that even one rape is one rape too many. The emphasis on the quantitative analysis should by no means negate the heinous nature of these crimes.

Sifting through these court files was hindered by a number being handwritten, deteriorating files, and fragmented testimonies. Furthermore, many cases were still recorded in old Dutch up until the Cape Supreme Court was established in 1828. In some cases there was no case number. For this reason, the case name was used to reference the case. The located rape cases, for the majority, included very little detail about the assault. They usually made brief mention of the perpetrator, his occupation, the charge against him, his victim’s occupation followed by the verdict.

The validity of the court cases as well as the actual recording of these cases requires contemplation. These visible court cases do not reflect all cases of rape during this period, rather only the cases of rape which were reported and appeared in these courts. The first question asked is why these ones and not others? Many rapes were clearly unreported due to concerns of honour, fear of reporting the rape, and perhaps the arduous court procedure. There is also the issue of changing definitions of rape during this period which would have no doubt affected the reporting and convicting of rape cases. For example, rape committed by one’s husband was not legally rape during this period, boys under 15 could not be convicted of rape and girls between 14-16 could experience assault and not rape. This is discussed in greater detail in Chapter 2.

There is also the issue of court records being tainted by personal preferences and bias. A detailed investigation of individual judge's sentencing preferences would have been beneficial to this study. However, due to the available records showing an inconsistent number of judges in each case and at times no indication given to the identity of the presiding judge this proved difficult. General observations about the courts and judges during this period have been mentioned in Chapter 2.

Locating the Cape Town Almanacs in order to assess official statistics for the period of 1795-1895 proved difficult as they were dispersed between the Cape Town and Pretoria archives. Furthermore, with the changing of ownership of the Cape these records have changed titles and content several times. The first South African Almanac was printed by J C Ritter for 1795-1797, although only a part of this document is now located in Cape Town. There are Almanacs for the years 1801-1827, although again there are issues with accessing these. The Almanac for 1801 is preserved only in manuscript form and the issue for 1803 is missing. During the period of 1828-1835 this yearbook was known as "The South African Almanack and Directory". From 1830 this yearbook came to include advertisements, articles, and a ground plan and by 1832 it came to include lithographs. During 1836 – 1850 the Almanacs were a continuation of those previously published, but from 1841 it became known as "The Cape of Good Hope Almanack and Annual Register". From 1852- 1862 the Almanacs became smaller and easier to use and there was also a focus on Natal, the Orange Free State and the Transvaal. There is no Almanac for 1864, but the Almanacs for 1865-1867 are a continuation of previous editions except that they were then titled "The Cape Town Directory". During the period of 1868- 1897 the Almanac changed ownership and was named "The Cape Town Directory", and then "The General Directory and Guide Book to the Cape of Good Hope and its Dependencies". It was then renamed "The Argus Annual and Cape of Good Hope Directory" from 1888 and became "The Argus Annual and South African Directory" from 1889 – 1894 and finally "The Argus Annual and South African Gazetteer" from 1895- 1897.

In terms of the content of these Almanacs, the sections of relevance to this dissertation were "The Circuit Courts", "The Supreme Court" and "Convict Stations". The information included in each of these sections consisted of lists of the visiting magistrate, the medical officer,

advocates, attorneys, translators of the courts, office of peace of clerk and the police office. The Almanacs however do not contain reports of statistics specific to crimes of rape.

In addition to the Cape Almanacs, the works of George McCall Theal was of great importance. The 36 volumes of “The Records of the Cape Colony” span 1793 – 1831.¹¹⁹ These volumes, however, contain mostly letters which discuss topics such as the appointment of persons in new positions. Of significance, these records contain population censuses, which illustrate the growth in population at the Cape. There is also one instance, in volume 33 where statistics are provided for crimes at the Cape, which is of great importance. Unfortunately, this only occurs once. Theal’s “History of South Africa” works, which range from 1795 – 1872, provide useful illustrations of the borders of districts and their subsequent growth.¹²⁰ These works will be utilized to explain the differences in reported rapes between the urban and rural courts.

Several conceptual obstacles were also encountered. When trying to discern between the first British occupation and the Batavian Republic, a negligible number of reported cases made any such comparative futile. There was very little change in policy given the short interim period and as such, the Batavian occupation of the Cape is deemed to be inconsequential to the overall policing of rape in the Cape courts over this period.

Racial terminology and determining the race of rape victims and perpetrators proved extremely difficult from the court records. Where the sources have allowed, specific racial categories have been mentioned in the text. All terms such as white, black and coloured have been used according to the source from which the information has been acquired, unless stated otherwise. Likewise, the terms used in the occupation sections in the third and fourth chapters have been used according to what was listed in the court records. This meant that at times one’s occupation was defined as being a “Hottentot”. This demonstrates, once again, the interrelatedness of race and class in the analysis of rape trends. Similarly, the author has opted for the term victim, rather than survivor, of rape – a choice better left to the person concerned.

¹¹⁹ G. M Theal, “Records of the Cape Colony,” volume 1- 33.

¹²⁰ G. M Theal, “The History of South Africa,” volume 1- 10.

There are also a number of rape theories which one should consider as theoretical points of departure for this study.

1.3 Theoretical Considerations

The nature/nurture debate is of great significance. Global theories on rape, and during this period of study, suggests that criminal blood in families increased tendency towards crime. This would suggest that the criminal behaved the way he/she did due to mental and/or genetic factors.¹²¹ Historian Joanna Bourke revealed that the term ‘rapist’ was first documented in 1883 and that by the beginning of the 19th century this criminal was considered to be suffering from a pathological disease.¹²² By 1912 rapists were considered to be suffering from a mental defect – which needed to be considered during sentencing.¹²³ The psychological state of the rapist was therefore only taken into consideration in the 20th century South African context, so the current literature would suggest.

According to the Darwinian theory, men were naturally rapacious. It was from this logic that flogging became an important tool to punish perpetrators of violence. This argument appeared in law journals in America by 1898 to change views that “gentle treatment” could change the middle-class offenders who were not innately savage and could be reformed. “The ‘rod’ effectively attacked the ‘conscience and conduct’ of evil men,” but returning to “savage cruelty” such as the cutting of flesh with the cat-o’-nine tails, was discouraged. Bourke concluded that punishment was expected to fit the criminal and not the crime.¹²⁴ This was certainly evident at the Cape where reported rapists were mostly lower class men who were regarded as inherent rapists and sentenced with flogging. Punishment rather than rehabilitation was a discernible trend during the period under investigation.

Biologist Randy Thornhill and anthropologist Craig Palmer argued that rape was either a reproductive act where a man desired to reproduce his genes, or rape was a by-product of man’s

¹²¹ Author unknown: “Hereditary Crime: Criminal Marriage”, *The Journal*, October 1909.

¹²² J. Bourke: *Rape: A History from 1860 to the Present*, 2007, p. 13.

¹²³ Author Unknown: “Note on Relation of Assaults to Insanity”, *Christian Outlook*, August 1912.

¹²⁴ J. Bourke: *Rape: A History from 1860 to the Present*, 2007, pp. 96-99.

inability to abstain from sexual activity.¹²⁵ This was criticised by anthropologist Emily Martin by highlighting that these justifications could not explain juvenile rape, the rape of children, women who could no longer bear children and same sex rape.¹²⁶ Zoologist Gerrit Miller argued that through marriage sexual violence became contained.¹²⁷ According to sociobiologists, humans and animals experienced tendencies to rape, but humans were influenced by cultural attitudes on sexual violence.¹²⁸ Cape men would certainly have been influenced by the cultural attitudes on sexual attitudes. These notions of sex and sexuality are visible in this study. It was argued that factors such as provocative dress and intimate relations led to humans being unable to control these tendencies to rape.¹²⁹ Neurophysiological theories suggest that trauma produced responses which affected brain development and ultimately resulted in decreased impulse control and abusive behaviour.¹³⁰

The nurture debate includes the notion of rape as power. Psychoanalytical theories suggest that impaired attachments affect psychological development and result in low self-esteem and higher risk of personality developmental disease. Personality developmental diseases are likely to result in lower levels of empathy and increased inclinations to rape.¹³¹ According to psychologist Neil Moshe Malamuth men who rape are likely to have been raised in traumatic environments where sexual and interpersonal violence have been present. These men are also usually pressured into having sex by their peers and this performance is a source of self-esteem and status for them.¹³² It is also argued that the social environment acts as a means to observe

¹²⁵ R. Thornhill & C. Palmer: *A natural history of rape: biological base of sexual coercion* (Cambridge Massachusetts: The MIT Press, 2000), pp. 165- 197.

¹²⁶ C. Brown Travis (ed.): *Evolution, gender, and rape* (Cambridge: MIT Press, 2003), p. 378.

¹²⁷ G. Miller: "The Primate Basis of Human Sexual Behaviour", *The Quarterly Review of Biology*, 6(4), 1931, pp. 380-403.

¹²⁸ R. Wrangham & D. Peterson: *Demonic Males: Apes and the Origins of Human Violence*, 1996 and D. Barah: *Sociobiology: The Whisperings Within*, pp. 53-55.

¹²⁹ L. Ellis: *Theories on Rape: Inquiries into the causes of sexual aggression* (USA: Hemisphere Publishing Corporation, 1989), pp. 14-16.

¹³⁰ M. Teicher, A. Tomoda, S. Andersen: "Neurobiological consequences of early stress and childhood maltreatment: are results from human and animal studies comparable?", *Annals of the New York Academy of Science*, 1071, 2006, pp. 313-323.

¹³¹ A. Abbey & P. McAuslan: "A longitudinal examination of male college student's perpetration of sexual assault", *Journal of Consulting and Clinical Psychology*, 72, 2004, pp. 747-756 and P. Fonagy & M. Target: *Psychoanalytic Theories: Perspectives from Developmental Psychopathology*, 2003.

¹³² N. Malamuth, R. Sockloskie, M. Koss & J. Tanaka: "Characteristics of aggressors against women: testing a model using a national sample of college students", *Journal of Consulting and Clinical Psychology*, 59, 1991, pp. 670 – 681; N. Malamuth, D. Linz, C. Heavey, G. Barnes & M. Acker, "Using the confluence model of sexual aggression to predict men's conflict with women: a 10 year follow up study", *Journal of Personality & Social Psychology*, 69, 1995, pp. 353 – 369; N. Malamuth: "Criminal and non-criminal sexual aggressors. Integrating psychopathy in a hierarchical-mediational confluence model", *Annals of the New York Academy of Science*, 989, 2003, pp. 33-58.

and learn from others' behaviour.¹³³ Convicted rapists have been found to have learned attitudes, actions and vocabularies of motive.¹³⁴ This is important when considering gang culture. Rape is viewed as aggressive behaviour learnt through imitation and likening sexuality to violence.¹³⁵ Essentially, "rape is a form of sexual terrorism that occurs systematically in violent patriarchal societies organized around the subordination and control of women".¹³⁶ Studies have also revealed that rapists often face difficulties of unemployment and finding a consenting sexual partner.¹³⁷ Rapists also suffer from mental illnesses or poor socialisation¹³⁸ and were raised in a home where sexual violence was prevalent.¹³⁹ The Ecological Systems Theory explains that the developing child is both influenced by and influences his/her environment. This explains why only some people, who are the products of these environments, resort to rape.¹⁴⁰

Rape is also explained in terms of brutalising environments, such as high rates of unemployment and inadequate living conditions. There is evidence that these factors result in increased violence and cases of rape.¹⁴¹ Society, rather than psychology, is held to account.¹⁴² This is noticeable in Cape Town during the 20th century.¹⁴³ The reason for this, according to sociologist Gary LaFree, was that psychological problems were easier to blame than social problems as they held the individual and not society accountable.¹⁴⁴ This becomes particularly interesting during a period of colonial conquest and expansion when "society" would like nothing more than to place blame on an individual rather than a failing system.

¹³³ A. Bandura: *Social Learning Theory* (USA: Prentice Hall, 1977), p. 22.

¹³⁴ D. Scully: "Convicted Rapists' Perceptions of Self and Victim: Role Taking and Emotions", *Gender and Society*, 2(2), June 1988, p. 201.

¹³⁵ C. Fransch: "'...wood carved by the knife of circumstance'?: Cape Rapists and Rape in South Africa, c.1910-1980", joint PhD (Stellenbosch University and Vrije Universiteit Amsterdam), December 2016, p. 10.

¹³⁶ D. Scully: Reviewed Works: *Four Theories of Rape in American Society* by L. Baron & M. A. Straus, *Contemporary Sociology*, 19(5), September 1990, p. 664.

¹³⁷ W. A. Bonger: *Criminality and economic conditions* (Bloomington: Indiana University Press, 1916).

¹³⁸ M. Guttmacher: *Sex offences: The problem, causes and prevention* (New York: Norton, 1951).

¹³⁹ M. Amir: *Patterns in forcible rape*, (Chicago: University of Chicago Press, 1971).

¹⁴⁰ C. Fransch: "'...wood carved by the knife of circumstance'?: Cape Rapists and Rape in South Africa, c.1910-1980", joint PhD (Stellenbosch University and Vrije Universiteit Amsterdam), December 2016, p.13.

¹⁴¹ M. Kopp: "Surgical Treatment as Sex Crime Prevention Measure", *Journal of Law, Criminology, and Police Science*, 28, 1938, p. 696.

¹⁴² A. Paske: *Rape and Ritual* (Toronto: Inner City Books, 1982) p. 10.

¹⁴³ C. Fransch: "'...wood carved by the knife of circumstance'?: Cape Rapists and Rape in South Africa, c.1910-1980", joint PhD (Stellenbosch University and Vrije Universiteit Amsterdam), December 2016, p. 32.

¹⁴⁴ G. LaFree: *Rape and Criminal Justice: The Social Construction of Sexual Assault* (Belmont, California: Wadsworth Co, 1989), p. 3.

Psychologist Lloyd Vogelmann studied rapists in South Africa through interviews with these men.¹⁴⁵ He argues that rape was the product of an environment where women were objectified, victims were to blame and ‘rape culture’ was present.¹⁴⁶ Through this research Vogelmann challenged myths about rape “being an infrequent act of uncontrollable sexual aggression perpetrated by strangers in public places”¹⁴⁷ and instead held both internal and external factors responsible for the making of the rapist.¹⁴⁸

Central to many debates was the way in which women and girls were perceived and treated. They were regarded as “natural liars”, were thought to use rape accusations to entrap men. This theory travelled into colonial areas during the 1850s where slave women were regarded as promiscuous and therefore unrapeable.¹⁴⁹ From the 17th century, Britain regarded cases of rape with caution and paid excruciating attention to the private life of the victim. This continued in Britain into the 19th and early 20th centuries.¹⁵⁰ In order for a rape accusation to be believed, there needed to be visible signs of the violence and evidence that the woman tried to defend herself.¹⁵¹ Globally by 1830, it was believed that a woman or child who actively resisted could never be raped.¹⁵² By the end of the 19th century, if a woman did not have physical injury from the assault then she was argued to have not attempted to stop the advances to the best of her ability. Even when these injuries were present it was suggested that they were from other activities or conditions. In fact, up until the 1970s it was believed that the female body was “designed to prevent penetration”. Rather, rape was considered uncommon.¹⁵³ The converse can be said about the Cape.

Sex with a female from the working-class was almost always considered consensual, as these women were “familiar” with sex. If a woman from this class reported a rape, the attack was explained by prior sexual encounters, poor hygiene or even disease.¹⁵⁴ From the 19th century,

¹⁴⁵ L. Vogelmann: *The Sexual Face of Violence: Rapists on Rape* (Johannesburg: Raven Press, 1990).

¹⁴⁶ *Ibid.*, p. 1.

¹⁴⁷ *Ibid.*, “Preface”.

¹⁴⁸ *Ibid.*, p. 6.

¹⁴⁹ J. Bourke: *Rape: A History from 1860 to the Present*, p. 77.

¹⁵⁰ *Ibid.*, pp. 391-394.

¹⁵¹ C. Fransch: “...wood carved by the knife of circumstance”: Cape Rapists and Rape in South Africa, c.1910-1980”, joint PhD (Stellenbosch University and Vrije Universiteit Amsterdam), December 2016, p. 29.

¹⁵² M. Ryan: *A Manual of Medical Jurisprudence* (London: Renshaw and Rush, 1831), p. 183.

¹⁵³ J. Bourke: *Rape: A History from 1860 to the Present*, 2007, pp. 21-49.

¹⁵⁴ *Ibid.*

children's accounts of rape were also regarded with suspicion. It was believed instead that these girls were suffering from vaginal infection and were coerced into rape accusations by their ignorant mothers.¹⁵⁵

According to earlier beliefs, husbands, boyfriends and close acquaintances could not rape their partners.¹⁵⁶ It was only at the end of the 20th century that it was acknowledged that rapes by strangers were not as common and that cases of rape by acquaintances of the victim were less likely to be reported but still occurred.¹⁵⁷ Scotland revoked the marital rape exemption in 1989 and the United States and United Kingdom followed shortly after.¹⁵⁸ This legislation was only implemented in South Africa in 1998.¹⁵⁹ Although Malherbe argued that this changed in 1991.¹⁶⁰ Not only were boyfriends considered unable to rape their partners but when considering cases of date rape, if the date occurred in certain locations (such as cars or fraternity houses) or if drugs or alcohol were used, then the rapist was likely to receive a less harsh sentence or even found not guilty.¹⁶¹ Here Bourke states that global theories on rape suggest that women who were intoxicated during a rape were held partially responsible for their demise, whilst intoxicated men were considered to have had diminished responsibility.¹⁶²

Finally, by the 18th century theories on white women's virtues being under threat by "native men" were present.¹⁶³ Black sexuality became a significant concern by the end of the 19th century. Lynching was practiced on "bestial" black men by white men to protect white women's virtues.¹⁶⁴ As the law was considered too docile, this was considered the best

¹⁵⁵ C. Fransch: "'...wood carved by the knife of circumstance'?: Cape Rapists and Rape in South Africa, c.1910-1980", joint PhD (Stellenbosch University and Vrije Universiteit Amsterdam), December 2016, p. 25.

¹⁵⁶ K. Weis & S. Borges: "Victimology and Rape: the Case of the Legitimate Victim", *Issues in Criminology*, 8(2), 1973, pp. 71-115; J. Bourke: *Rape: A History from 1860 to the Present*, 2007, pp. 305-316.

¹⁵⁷ J. Bourke: *Rape: A History from 1860 to the Present*, pp. 316-320.

¹⁵⁸ *Ibid.*, pp. 324-328.

¹⁵⁹ C. Fransch: "'...wood carved by the knife of circumstance'?: Cape Rapists and Rape in South Africa, c.1910-1980", joint PhD (Stellenbosch University and Vrije Universiteit Amsterdam), December 2016, p. 26.

¹⁶⁰ V. C. Malherbe: "Family Law and 'The Great Moral Public Interests' in Victorian Cape Town, c.1850-1902, *Kronos*, 36(1), November 2010, p. 15.

¹⁶¹ K. Weis & S. Borges, "Victimology and Rape: the Case of the Legitimate Victim", *Issues in Criminology*, 8(2), 1973, pp. 71-115.

¹⁶² J. Bourke: *Rape: A History from 1860 to the Present*, 2007, pp. 96-99.

¹⁶³ M. Foucault, *The Will to Knowledge: The History of Sexuality Volume 1* (London: Penguin, 1998), p. 141.

¹⁶⁴ D. Miller Sommerville: "The Rape Myth in the Old South Reconsidered", *Journal of Southern History*, 61, 1995, pp. 481-518.

deterrent.¹⁶⁵ Black men who raped white women were regarded as attacking “white power and authority”.¹⁶⁶

These theories are evident in the South African context, especially surrounding the black peril period. Specifically, in this research, Social Darwinian thoughts of lower class men being inherent rapists and needing to be flogged are present. Thoughts on cultural attitudes influencing sexual violence certainly explain rape as power during the 19th century Cape. Similarly, thoughts on rape as a form of learnt behaviour used to elicit status were already evident. Thoughts on brutalising environments too were unquestionably evident during 19th century Cape as evident through rape committed by slaves. In addition to these theories more contemporary theories¹⁶⁷ on rape, such as work by Ann Cahill and Nicola Gavey, highlight thoughts on sexual violence as derivativizing¹⁶⁸ where rape and sexual violence “subsumes the subjectivity of one person, who is worthy of ontological distinctness, under that of another” and is crucial in perpetuating male domination.¹⁶⁹ Gavey too provides thought on male power and female powerlessness which make rape possible.¹⁷⁰ These thoughts were certainly evident in the male dominated 19th century colonial Cape.

¹⁶⁵ L. Rosser: “Illegal Enforcement of Criminal Law”, *American Bar Association Journal*, 7, 1921, pp. 519-524.

¹⁶⁶ J. Bourke: *Rape: A History from 1860 to the Present*, p. 105.

¹⁶⁷ For literature on contemporary theories on rape see for example: A. J. Cahill: “Sexual Violence and Objectification” in R. J. Heberle & V. Grace (eds.): *Theorizing Sexual Violence* (New York: Routledge, 2009); N. Garvey: “Fighting Rape” in R. J. Heberle & V. Grace (eds.): *Theorizing Sexual Violence* (New York: Routledge, 2009); V. Grace: “Gendered Violence and Sacrificial Logics: Psychoanalytic Reflections” in R. J. Heberle & V. Grace (eds.): *Theorizing Sexual Violence* (New York: Routledge, 2009); A. V. Murphy: ‘Reality Check’: Rethinking the Ethics of Vulnerability” in R. J. Heberle & V. Grace (eds.): *Theorizing Sexual Violence* (New York: Routledge, 2009); M. Boyd: “Of Shards, Subjectivities, and the Refusal to ‘Heal’: refiguring the Damage of Incest” in R. J. Heberle & V. Grace (eds.): *Theorizing Sexual Violence* (New York: Routledge, 2009); R. J. Heberle: “Rethinking the Social Context: Masochism and Masculinist Violence” in R. J. Heberle & V. Grace (eds.): *Theorizing Sexual Violence* (New York: Routledge, 2009); M. Nayak: “Feminist Interrogations of Democracy, Sexual Violence, and the US Military” in R. J. Heberle & V. Grace (eds.): *Theorizing Sexual Violence* (New York: Routledge, 2009) and E. Philipose: “Feminism, International Law, and the Spectacular Violence of the ‘Other’: Decolonizing the Laws of War” in R. J. Heberle & V. Grace (eds.): *Theorizing Sexual Violence* (New York: Routledge, 2009).

¹⁶⁸ Cahill explains that during sexual violence the victim is “turned into a derivative of the will of the assailant” in A. J. Cahill: “Sexual Violence and Objectification” in R. J. Heberle & V. Grace (eds.): *Theorizing Sexual Violence* (New York: Routledge, 2009), p. 25.

¹⁶⁹ *Ibid.*, p. 28.

¹⁷⁰ N. Garvey: “Fighting Rape” in R. J. Heberle & V. Grace (eds.): *Theorizing Sexual Violence* (New York: Routledge, 2009), p. 96.

These theoretical points of departure are particularly pertinent to the period under investigation and will be discussed further in Chapter 4.

1.4 Chapter Outline

Chapter 2 will investigate rape cases in the urban and rural courts of the Cape. First, existing literature on statistics of the crime of rape at the Cape during 1795-1895 will be assessed. Comprehensive empirical research will be provided. Here the incidence of rapes per year will first be evaluated and then the conviction rates per year will be investigated. These sections will be contextualised in the legal and medical discourses. Trends will then be discussed. This chapter will provide novel insights into the comparison between the courts, providing explanations for certain peaks, troughs and times of severe conviction. This chapter argues that the varied rape reporting and conviction rates between the urban and rural setting would suggest a “colony-within-a-colony” where vastly divergent views, judicial systems, demographics and policing systems were in place. Some questions are raised about a possible rape scare appearing during the 1860s.

Chapter 3 will broach the question, who were the rapists? The main focus of this chapter will be on the men convicted for rape. This will specifically be done by providing statistics on the occupations of the recorded rapists during 1795 – 1895 by making use of data from the Court of Justice, Supreme Court and Circuit Courts. This section of the thesis will provide more systematic statistics on rapists at the Cape during 1795 – 1895. There will also be a specific investigation into the rapes committed by both “likely” and “unlikely” rapists such as slaves and agriculturalists. An evaluation of sentencing practices will follow. These include the passing of the death sentence, banishment to New South Wales during the period of 1831-1837 and in one instance, psychological evaluation of the rapist. Here it will be argued that the class of the perpetrator and victim were instrumental in securing a conviction and clearly determined the type of sentence passed down to the rapist. Furthermore, the Cape is firmly situated in the broader British colonial period of conquest where rapists are shipped to a variety of locations across the Empire.

Chapter 4 will focus on why these men raped. Theories of rape will be contextualised according to the occupation of the rape victims. These statistics will reveal which occupations were more prone to be raped. Throughout this period, it is evident that women were regarded as possessions in need of protection. However, some conditions would negate this: if rapists were men of the upper class, if the victim was considered non-conforming - a prostitute or if she were suffering from a venereal disease. This chapter argues that the Cape was in large part similar to other colonial settings at the time and conformed to many of the same prejudices and theories of rape. However, while much emphasis in the existing literature has been given to the racial component in cases of rape, this chapter argues differently.

Chapter 2

Changing Legislation, Fluid Definitions of Rape and an Increasing Visibility of Rapists?: Rape Trends at the Cape Courts, 1795-1895

Historian Ronald Hyam suggests that sexual dynamics crucially underpinned British imperial expansion, especially in frontier settlements during the 19th century. For the British Empire to survive, the imperial race was expected to exercise sexual restraint and the local authorities, under the watchful gaze of the metropole's agents, were tasked with regulating these sexual practices. It is argued that colonial conquest entailed sexual exploration as well as opportunities for sexual indulgence, and this had to be actively policed.¹⁷¹ Clearly this was largely ineffective. He asserts, "Britain has spread venereal disease around the globe along with its race courses and botanical gardens, barracks and jails, steam engines and law books".¹⁷² Sodomy and rape, he adds, were of great concern for the Imperial authorities. He goes on to suggest that sex, and by extension sexual "vice" and violence, was inextricably linked to changing racist ideology in these settings.¹⁷³ Certain observations are foreground. Sex and sexual violence were clearly a part of the British expansion; this had racial undertones; and certain undesirable activity would have been recorded in court proceedings. It is an accepted fact that most cases of rape go unreported but why some cases are not only reported but lead to a conviction have thus far been tantalisingly suggested by the existing literature on 19th century rape trends in both Britain and its colonial settlements. This has largely been attributed to notions of racial hierarchy.

No comprehensive *longue durée* study of court records has been undertaken for the Cape of Good Hope¹⁷⁴ during this period of British expansion. In order to fill this lacuna, this chapter will provide a systematic statistical analysis of rape at the Cape during the 19th century. A distinction will be made between urban and rural courts to investigate the lesser explored

¹⁷¹ R. Hyam: *Empire and Sexuality: The British Experience* (Manchester: Manchester University Press, 1991) p. 211.

¹⁷² *Ibid.*, p. 3.

¹⁷³ *Ibid.*, p. 203.

¹⁷⁴ Hereafter referred to as the Cape.

association between rape and class during colonial conquest.¹⁷⁵ Two levels of statistical analysis will be undertaken: reported rapes and conviction rates. This will serve as a platform to locate the Cape rape trends in a broader colonial discussion. Of importance is the way in which thoughts about rape as a gendered experience dissipated from the colonial empire and were adapted in the Cape to suit local considerations. These manifested in broader changes to legislation, a transitional process of racial differentiation in which race and class were almost interchangeable constructions and how this affected, and was affected, by judicial changes to rape laws, criminal procedure, and judges' discretionary rule in the Supreme Court and districts courts - two separate yet interdependent regulatory structures.

This chapter will investigate, as implied in the title, the changing legislation at the Cape and the fluid definitions of rape. Both of these are evaluated in terms of the apparent increasing visibility of rapists at the Cape. Furthermore, it will become evident that despite this initial appearance of an increase in reported rapes, rape at the Cape did not statistically increase during the 19th century.

2.1 Locating the Cape within the Broader “British Experience”

Historian Carolyn Conley describes rape in 19th century Britain as the “brutal act of violence usually committed in a public place on an apparently respectable woman who was previously unknown to her assailant and had done nothing to even acknowledge his presence”.¹⁷⁶ This definition allowed for a myriad of interpretations by an all-male judiciary and this had a direct impact on conviction rates in Britain. This was largely informed by patriarchal hegemonic norms of the time.¹⁷⁷ To secure a conviction, there had to be visible signs of violence and the act needed to take place in a public place on a “respectable” woman, however defined at the time. According to historian Shani D’Cruze this meant that she had to be “of good character”. She was expected to report the assault immediately and she had to show signs of physical injury as a way of proving her efforts to resist her attacker.¹⁷⁸ Respectability, therefore, remained a

¹⁷⁵ This was inspired by a 20th Century investigation by C. Fransch: “...wood carved by the knife of circumstance’?: Cape Rapists and Rape in South Africa, c.1910-1980”, joint PhD (Stellenbosch University and Vrije Universiteit Amsterdam), December 2016.

¹⁷⁶ C. A. Conley: “Rape and Justice in Victorian England”, *Victorian Studies*, 29(4), 1986, p. 525.

¹⁷⁷ *Ibid.*, p. 536.

¹⁷⁸ S. D’Cruze.: “Approaching the history of rape and sexual violence: notes towards research”, *Women’s History Review*, 1(3), February 2011, p. 389.

socially defined and fluid term. The more contemporary term of acquaintance rape was not considered a rape at all. Furthermore, a married woman could never be raped by her husband.¹⁷⁹ Coupled with this the personal belief and bias of judges and juries would hinder the court procedure often at the expense of the victim of the crime.¹⁸⁰ Much of the courts' energy was spent on obviating "false charges" and so called "suspicious" rapes based on these entrenched patriarchal norms. This had a direct impact on reporting as well as conviction rates.

In Suffolk, for example, 33 cases of sexual violence were recorded between 1830-1860.¹⁸¹ Of the reported 33 cases, four occurred in the 1830s, eight in the 1840s and 19 in the 1850s. There are a variety of reasons as to why this increase in the reporting of rapes occurred. Population increase, for example, might need to be considered in order to determine the proportional increase in rape reporting trends. A further aspect to contemplate is a change in legislation. Rape was no longer considered a capital offence in Britain from 1841. Historian Radojka Startup argues that "the change in sentencing clearly had a slow but marked impact on the inclination of judges and juries to at least hear cases which no longer carried such serious consequences for defendants".¹⁸² This shift fundamentally changed which cases were forwarded to the court for a proper trial, thus increasing the number of reported rapes. This is not to suggest that this had a direct impact on conviction rate. In the British town of Kent, for example, the conviction rate for rape trials from 1859-1880 was a mere 40% in comparison to other felonies which recorded rates of up to 85%.¹⁸³ Furthermore, Conley reveals that only 28% of the 276 reported rapes were tried as such, with 57% being categorized on a lesser charge of attempted rape, with an alarming 15% being dismissed.¹⁸⁴ The "lesser charge" of attempted rape would have an impact on the sentence passed if the accused was found guilty.¹⁸⁵ It also suggests that one would have to broaden a statistical analysis to include all rape-related convictions.

¹⁷⁹ R. Startup: "Damaging females: Representations of Women as Victims and Perpetrators of Crime in the mid nineteenth century", PhD Dissertation, University College London, February 2000, p. 161.

¹⁸⁰ *Ibid.*, p. 162.

¹⁸¹ *Ibid.*, p. 160.

¹⁸² *Ibid.*, p. 163.

¹⁸³ C. A. Conley: "Rape and Justice in Victorian England", *Victorian Studies*, 29(4), 1986, p. 521.

¹⁸⁴ *Ibid.*, p. 523.

¹⁸⁵ This will be further discussed in Chapter 3.

There is also a need to consider the men charged with hearing these cases. Judges deployed to British colonies were the product of their training, home legal system and patriarchal hegemony until such time as they were influenced by local realities. Historian Vertrees Canby Malherbe points out that the Charter of Justice of 1838 saw a marked increase in English jurisprudence at the Cape of Good Hope and further emphasises that until late into the 19th century, judges schooled in English common law dominated the Cape Supreme Court, the predecessor of the old Court of Justice.¹⁸⁶ Local shifts in both legislation and criminal procedure, therefore, need to be taken into consideration.

One example of these adaptations can be seen in the British colony of India. The legal definition of rape from the 1830s reflects not only the more rabid legal regulation of sex and sexual violence by the Imperial watchdogs, as alluded to by Hyam, but there is a marked increase in conviction rates for rape. Both reflect a need by the British to adapt to local conditions and fears. According to historian Elizabeth Kolsky, under the Indian Penal Code of 1837, rape was defined as:

sexual intercourse by a man with a woman under one of five circumstances: against her will; without her consent while she is insensible; with her consent when it has been obtained by putting her in fear of death or hurt; with her consent when the man has tricked her into thinking he is her husband; or when the girl is under nine years of age.¹⁸⁷

This more progressive definition certainly places more attention on the victim of rape beyond the mere physical damage done to her, as suggested in the previous definition: “vaginal penetration by a man (or men) of a female above the age of ten years against her will”.¹⁸⁸ It also differs from the English legal definition of rape which failed to consider the broader coercive ability of men to “trick” women into sexual relations. It is clear that this change in legislation did affect both the reporting of rape and conviction rates.¹⁸⁹ Kolsky shows that this new legislation led to an increase in reporting of rapes and a vast increase in conviction rates from 57% to 75% by 1857.¹⁹⁰ This is attributed to the revolutionary change in the legal

¹⁸⁶ V. C. Malherbe: “Family Law and ‘The Great Moral Public Interests’ in Victorian Cape Town, c.1850-1902, *Kronos*, 36(1), November 2010.

¹⁸⁷ E. Kolsky: “The Rule of Colonial Indifference: Rape on Trial in Early Colonial Indifference: Rape on Trial in Early Colonial India, 1805-57”, *The Journal of Asian Studies*, 69(4), November 2010, pp. 1098-1099.

¹⁸⁸ *Ibid.*, p. 1096.

¹⁸⁹ Section 2.2 of this Chapter will reveal that in the Cape too changes in legislation led to changes in the reporting of, and conviction rates for rape.

¹⁹⁰ E. Kolsky: “The Rule of Colonial Indifference: Rape on Trial in Early Colonial Indifference: Rape on Trial in Early Colonial India, 1805-57”, *The Journal of Asian Studies*, 69(4), November 2010, pp. 1099 – 1105.

definition of rape. Kolsky also indicates that this innovative shift was part of a concerted British policy to increase conviction rates in India.¹⁹¹ Unfortunately, these statistics are based on sporadic periods of investigation and in two different judicial systems of the lower and upper courts in India.

On the façade, it would then appear that the Indian statutory definition of rape was more attentive to the needs of the victim of rape. However, the “peculiarity” of Indian culture made it difficult for Indian rape victims to report rape because of familial and community reprisals. Social perceptions about women also made it difficult to convince the courts to sentence their aggressors appropriately.¹⁹² Here, class and caste played a compelling factor. Furthermore, the victim was “at the heart of the trial”. Her claim and credibility were evaluated in terms of her character, her behaviour, prior sexual liaisons and physical markers of violence.¹⁹³ This resembled the ordeal in Britain where the “eyes and words of a victim were never enough”.¹⁹⁴ While there are many similarities between the Colonial power and her colonies, similar trends are visible in other settings during this period. In Qing, China, for example, rape was also defined in this manner: there had to be signs of physical injury, vaginal penetration and proof of the victim’s chastity prior to the assault. A similar system was also in place in Japan.¹⁹⁵ Clearly, despite differences in legislature and rape definitions, there is evidence of a global rape culture which overemphasised the credibility and status of the victim over that of her attacker. It also made certain women more vulnerable to being raped. The Cape was no exception.¹⁹⁶

According to historian Pamela Scully, Cape Roman Dutch law of the 19th century defined rape as “both the forcible ravishing and the forcible carrying off of a woman or maid against her will”.¹⁹⁷ This definition can be attributed to Sir Matthew Hale of England who was Lord Chief

¹⁹¹ E. Kolsky: “The Rule of Colonial Indifference: Rape on Trial in Early Colonial Indifference: Rape on Trial in Early Colonial India, 1805-57”, *The Journal of Asian Studies*, 69(4), November 2010, p. 1098.

¹⁹² *Ibid.*, p. 1095.

¹⁹³ *Ibid.*, p. 1096.

¹⁹⁴ R. Startup: “Damaging females: Representations of Women as Victims and Perpetrators of Crime in the mid nineteenth century”, PhD Dissertation, University College London, February 2000, p 173.

¹⁹⁵ E. Kolsky: “The Rule of Colonial Indifference: Rape on Trial in Early Colonial Indifference: Rape on Trial in Early Colonial India, 1805-57”, *The Journal of Asian Studies*, 69(4), November 2010, p. 1097.

¹⁹⁶ This is further explored in Chapter 4.

¹⁹⁷ P. Scully: “Rape, Race and Colonial Culture: The Sexual Politics of Identity in the 19th Century, Cape Colony, South Africa,” *The American Historical Review*, 100(2), 1995, p. 343.

Justice from 1671 – 1672. He played a significant role in establishing the criminal justice system in England during the 17th century. His legal definition of rape was referred to well into the 19th century in the metropole. However, Scully clearly shows that the legal system at the Cape during the 19th century was somewhat “baffling” and consisted of an amalgamation of Roman Dutch Law and English legal procedures and tenets. She argues that the British were not willing to invest in a complete overhaul of the legal system. It is this peculiarity that made the legal system particular to the Cape.¹⁹⁸

Scully, however, draws attention to the broader implication of raping a colonial feminine body. In the “colonies”, she argues, rape was “an illegal act of reproduction”. She suggests that, “Historians have argued that, at the Cape, the rape of slave women by their owners operated both as a field of sexual and social power and, intentionally or not, as a means of reproducing the Cape slave population”.¹⁹⁹ The difference between these two definitions, she contends, can be attributed to the ways in which the control of sexual relations in the colonies depended on racial hierarchy. These “illegal” interactions, she records, were threatening the entire colonial stasis.²⁰⁰ Importantly, it also lent to a hardening connection between rape and sexual reproduction. Furthermore, she argues that rape scares throughout the British Empire “contributes to our understanding of sexuality as a key site of colonial anxieties” – a moment of “anti-colonial revolt”. Here, notions of race, sexuality and equality collide when the administration attempts to transform a society towards the principles of free wage labour. In essence, Scully points out that rape acts as a “metaphor for a general crisis”.²⁰¹

By 1845, a man could only be convicted of rape if ejaculation had been proven. This differs somewhat from England where this was no longer a compelling factor after 1828.²⁰² This also made rape conviction more difficult in the Cape. Furthermore, if the accused was under the age of 15 he could not be prosecuted for rape and if the victim was between the age of 14-16 years old, her rape was considered a sexual assault, because young girls were treated with even more

¹⁹⁸ P. Scully: “Rape, Race and Colonial Culture: The Sexual Politics of Identity in the 19th Century, Cape Colony, South Africa,” *The American Historical Review*, 100(2), 1995, p. 342.

¹⁹⁹ *Ibid.*, p. 337 (footnote 9).

²⁰⁰ *Ibid.*, p. 343.

²⁰¹ *Ibid.*, p. 338.

²⁰² *Ibid.*, p. 343.

suspicion.²⁰³ Again, a married woman could never be raped by her husband.²⁰⁴ However, the raping of a married woman, deemed so under Christian moral and religious principles, could result in the passing of the death sentence. So too could the rape of a young girl not yet menstruating and who had the potential to be a respectable married woman. This was also prescribed for rapists in positions of power.²⁰⁵

Clearly this British colony, like the metropole and other places of colonial conquest, allowed for personal interpretation of rape legislation. This, in turn, affected who could be defined both as a rapist and as a victim of rape. Attention will now be drawn to the surviving records of rape from the Court of Justice and Cape Supreme Court.

Rape reporting and conviction rates at the Cape, during the 19th century, as previously mentioned in Chapter 1, investigate short sporadic periods, either in rural or urban settings. It is not always apparent how the chosen case studies are located in the broader context of the period nor in a broader statistical analysis of rape reporting and conviction rates. Furthermore, no comparison is made between the urban and rural settings. These studies have foreground the importance of racial classification in their analysis. While this is an extremely important consideration, especially in a South African study of this nature, there is inconclusive evidence provided in the court proceedings to warrant a purely racialised analysis of these trends.

Moreover, there appears to be a general absence of systematic investigation on rape reporting and convictions during the 19th century. The importance of providing these statistics, according to Fransch, is to illustrate the effects of changing legislation on rape; changing criminal procedure; to possibly suggest political and social considerations about sex and sexual violence and how these concerns are made visible in the court proceedings; and finally to assess how the state, through its judiciary, dealt with these rapists.²⁰⁶

²⁰³ V. C. Malherbe: "Family Law and 'The Great Moral Public Interests' in Victorian Cape Town, c.1850-1902, *Kronos*, 36(1), November 2010, pp. 15-19.

²⁰⁴ *Ibid.*

²⁰⁵ P. Scully: "Rape, Race and Colonial Culture: The Sexual Politics of Identity in the 19th Century, Cape Colony, South Africa," *The American Historical Review*, 100(2), 1995, p. 343.

²⁰⁶ C. Fransch: "'...wood carved by the knife of circumstance'?: Cape Rapists and Rape in South Africa, c.1910-1980", joint PhD (Stellenbosch University and Vrije Universiteit Amsterdam), December 2016, p. 44.

2.2 Rape Trends at the Cape Courts, 1795-1895

Reporting of rapes per year for the Court of Justice and Cape Supreme Court records and Circuit Courts will be presented in Section 2.2.1. Statistics concerning conviction rates will then be investigated in Section 2.2.2. This section will involve data per year illustrating the conviction rate of rape in the Cape Court of Justice and Supreme Courts. It will then provide this same data for the Circuit Courts. It is important to note that not all rape cases tried in the courts resulted in a conviction for rape. Some cases were downgraded to “guilty of assault”, “guilty of indecency”, “guilty of aiding and abetting”, “guilty of attempting to commit rape” and “guilty of common assault”. This is not peculiar to the Cape. A similar trend can be seen in Britain at the time.²⁰⁷ This process was largely informed by the class of the accused, an important phenomenon further discussed in Chapter 3, as well as the class or “type” of woman, as alluded to in Chapter 4. This had a direct impact on the sentence passed. However, these rapists were, at the very least, found guilty and punished for a sexual crime.

Despite class usually being fore-ground in recorded cases of rape, there are very few instances where a party’s race is specified in the court proceedings. For example, in Fort Beaufort, Adonis was accused of raping a young girl. According to this court on the 13th of March 1856, the “kafir” of “Karma’s tribe” placed the seven-year-old Leentje on his lap and continued to “press himself into her”. The court found him guilty of rape and imprisoned him to three years in the Fort Beaufort goal with hard labour.²⁰⁸

It is also worth briefly discussing racial classifications during this period. It was during the second British occupation of the Cape in 1806 that a more permanent legislation started to be entrenched. After the abolishing of slave labour, legal freedom was granted to the Khoi population through Ordinance 50 of 1828. Freed slaves were categorised as “free blacks” in official records into the 1840s which included all people of colour, native to the area such as “Hottentots” (Khoi people), “Bushmen” (San people), “Bastards” (mixed race people of a white father and Khoi mother), “Bastard Hottentots” (those with a slave father and Khoi mother) as well as other slaves brought to the colony right through to the 1830s to supplement the shortage of labour at the Cape. The ambivalent category of “coloured” was used to refer to

²⁰⁷ C. A. Conley: “Rape and Justice in Victorian England”, *Victorian Studies*, 29(4), 1986, p. 523.

²⁰⁸ KAB 1/2/1/27, Adonis, no.6, 1856.

people of mixed origins in official records from 1837 and this had a long, and contested, history and remained a fluid term throughout the 19th century. However, this term frequently referred to those deemed “other than white” and it was only towards the end of the 19th century that a distinction was made between “coloured” and other black South Africans.²⁰⁹ Colouredness distinguished mixed people from the Cape from black Africans from the Eastern Cape as well as serving as a marker in contrast to whiteness. It was also an encompassing term which transcended class distinctions. The important aspect here is that these racial terms were fluid and constantly changing. Scully points out, “sexuality, race, gender, and class became referents for one another” and once a person was classified by a racial marker, their rape trial would be directed by that classification accordingly.²¹⁰ It is this very ambiguity between race and class which is of interest.

However, no racial profiles could be drawn given the very scant available information presented in the remaining court proceedings. For this reason, emphasis has been placed on class-based trends.

2.2.1 Reporting of Rape, 1795-1895

For the most part, the year of the rape and the year of the court case coincide. In very few instances there is a delay of between one and two years. These involve unusual cases and are extremely rare.²¹¹ Similarly, the race of a victim was almost never mentioned. One case which exhibits both these phenomena is that of labourer Uzepa in Albany. The court recorded that on the 1st of November 1850, this man, who also went by the name Zwartland or Gazella, assaulted the daughter of a “kafir” woman. Clearly the class and race associated with this crime hindered its reporting as more than two years later this case was only brought to the court. For the crime of assault with intent to rape young Senna Nonto, Uzepa was sentenced to three years

²⁰⁹ V. Bickford-Smith: *Ethnic Pride and Racial Prejudice in Victorian Cape Town* (South Africa: Witwatersrand University Press, 2001), p. 31.

²¹⁰ P. Scully: “Rape, Race and Colonial Culture: The Sexual Politics of Identity in the 19th Century, Cape Colony, South Africa,” *The American Historical Review*, 100(2), 1995, pp. 339-341.

²¹¹ See for example KAB CJ 803, no.3, p. 545, Johan George Lodewyk Fleischakker, 1808, KAB CJ 805, no.20, pp. 573-583, Jan Bouche, 1808; KAB CSC 1/2/1/7, William Thomas, no.12, 1832; KAB CSC 1/2/1/9; Gustavus Wilhelmus Fouche, no.2, 1832; KAB CSC 1/2/1/47, Jan Mitchels, no.1, 1850.

imprisonment with hard labour on the 19th of November 1852.²¹² Added to this delay in reporting may have been the organization of the Circuit Court of Albany.

There is also a clear turning point in the recording of conviction dates in the Circuit Courts. After 1856 there appears to be no date of conviction captured for rape cases. However, there are some dates captured for the years of 1858 and 1859 but after 1859 the dates of conviction are no longer recorded in the cases. This is certainly a testimony to the disorganized and developing nature of these courts. It also required that the author use another level of statistical analysis to formulate the graphs.

Very importantly, the entire judicial process evolved around changing legal procedure. After the second British occupation of 1806, a more concerted effort was made to regulate crimes of a serious nature in the Colony.²¹³ This suggests that even the state was fully aware that the judicial system needed to be reformed. According to judge and historian Hendrik Jacobus Erasmus, the Earl of Caledon attempted to correct some of these issues by establishing circuit courts in 1811. By 1821 there were reports criticising the justice administration and a commission was instigated. The report of 1826 suggested an overhaul of the system fashioned on the English system. By August 1827, the First Charter of Justice instituted a new and improved Supreme Court and district Circuit Court system. Further changes were implemented under the Second Charter of 1834. Ordinance 72 of 1830 saw the adoption of English law of evidence.²¹⁴ Section 37 of this Charter enabled the Governor to divide the Colony into districts in order to give the population of the Colony access to these courts. According to section 38, Circuit Courts had to be held by the Chief Justice of the Colony twice a year in each of the districts. The Circuit Courts, according to section 39, had the same authority and powers as the Supreme Court. Thus, trials took place before a judge and a jury of nine white men from the local population.

²¹² KAB CSC 1/2/1/47, Uzepa, no.6, 1850.

²¹³ H. J Erasmus: "Circuit Courts in the Cape Colony during the Nineteenth Century: Hazards and Achievements," *Fundamina*, 19(2), February 2013, p. 273.

²¹⁴ *Ibid.*

Prior to the 1850s, district juries consisted of Dutch men. By 1850, more English-speaking white men were visible and by 1874, coloured men were also included.²¹⁵ Erasmus argues that if a matter could be “more conveniently heard in the Supreme Court or in another circuit court” then the case would be transferred to this court.²¹⁶ These Circuit Courts heard non-capital crimes committed within that district.²¹⁷ The Supreme Court in Cape Town had full access and jurisdiction to review the proceedings of these Circuit Courts, although there were restrictions as to when this “reviewing” could occur. Conditions under which a review would occur included gross incompetency by the court, if the crime was committed out of the court’s jurisdiction, if the crime had already been tried elsewhere, or if the subject had another pending trial. Interestingly, cases were also reviewed if the judge of the court was considered incompetent or corrupt.²¹⁸ This suggests that some of these judges were poorly trained and easily manipulated. It also questioned the integrity of the jury made up of local men, products of their own environment.

From August 1828, the Colony was divided into 10 districts: Swellendam, George, Uitenhage, Albany, Somerset, Graaff-Reinet, Beaufort, Worcester, Clanwilliam and Stellenbosch.²¹⁹ This full circuit (which took place between October and December) was completed by one Judge Menzies. The trip, which was later also completed by Judge Burton, consisted of more than 1600 kilometres.²²⁰ These practices persisted, and although transport and accommodation for the judges improved, “circuit riding” continued through the 19th century.²²¹ Unfortunately, the court proceedings themselves fail to systematically name the presiding judge so any comprehensive analysis of judges preferences proved futile. This coupled with the concern over “incompetent” judges would suggest that the system was more fluid than suggested by Erasmus. One is nevertheless reminded by Scully that the Supreme Court judges generally viewed male sexuality as a result of “uncontrollable passions” and “enticement by women”.²²²

²¹⁵ P. Scully: “Rape, Race and Colonial Culture: The Sexual Politics of Identity in the 19th Century, Cape Colony, South Africa,” *The American Historical Review*, 100(2), 1995, p. 344.

²¹⁶ *Ibid.*, p. 274.

²¹⁷ Stellenbosch University Library, XL Statute Law Cape of Good Hope, 1714 – 1853, pp. 109 -110.

²¹⁸ *Ibid.*

²¹⁹ H. J Erasmus: “Circuit Courts in the Cape Colony during the Nineteenth Century: Hazards and Achievements,” *Fundamina*, 19(2), February 2013, p. 276.

²²⁰ *Ibid.*

²²¹ *Ibid.*, p. 297.

²²² P. Scully: “Rape, Race and Colonial Culture: The Sexual Politics of Identity in the 19th Century, Cape Colony, South Africa,” *The American Historical Review*, 100(2), 1995, p. 345.

Coupled with these judicial changes was an increasing reliance on the interpretation of the law by judges. In 1828, the Burgher Senate was abolished. Government-appointed magistrates and officials were appointed. The colony was, at this point, under the leadership of Sir G. Lowry Cole. By 1828, the Charter of Justice created the Supreme Court, and the first independent judiciary and jury, along with the Circuit Courts, were established.²²³ The British eliminated many biased men from the judicial procedure when they introduced English rules of evidence. Men, mostly farmers, were inherently biased towards settlers and cultural assumptions about racial groups informed juries and judges in the previous regulating bodies such as the *landdrost* and *heemraden*, who controlled the magistrate's courts and district governments, respectively.²²⁴ By 1829, according to historian Howard Phillips, the local government at the Cape was in transition.²²⁵ The judicial system was similarly fragmented, inconsistent and in a state of transition and a site where cultural markers dictated legal precedence.

Judge Albie Sachs has suggested that the Cape legal system was in a “sorry state” at the beginning of the 19th century.²²⁶ Sachs also explains that Cape judges during the 19th century were regarded as:

impetuous, overbearing, theatrical, licentious, over-lenient, over-strict, lazy, intriguing, stupid, prejudiced, incompetent and deaf and two of them (including the first Chief Justice of the Supreme Court) were nearly impeached for misconduct.²²⁷

Johannes Andries Truter, who was appointed Chief of Justice in 1812, was a chief advisor on criminal procedure in 1819.²²⁸ Following the Batavian Republic rule, the British focused on a form of justice which regularised social differentiation by giving all of society a means to express their grievances, a system for investigating complaints and an “aura of impartiality to the extension of government control”.²²⁹ This newfound “impartiality” meant that the law not only resisted punishing servants, but also provided a means for these servants to complain about their masters. However, Sachs argues that the courts were not effective in punishing these

²²³ H. Phillips: “Cape Town in 1829,” University of Cape Town, MA thesis, (8), 1979, p. 5.

²²⁴ P. Scully: “Rape, Race and Colonial Culture: The Sexual Politics of Identity in the 19th Century, Cape Colony, South Africa,” *The American Historical Review*, 100(2), 1995, p. 342.

²²⁵ H. Phillips: “Cape Town in 1829,” University of Cape Town, MA thesis, (8), 1979, p. 5.

²²⁶ A. Sachs: *Justice in South Africa* (London: Sussex University Press, 1973) p. 33.

²²⁷ *Ibid.*, p. 33.

²²⁸ *Ibid.*, p. 34.

²²⁹ *Ibid.*, p. 35.

reported abuses and thus did not redress the inequalities present at the Cape.²³⁰ This period then saw recommendation to overhaul the judicial system at the Cape by introducing British judges, using English law of evidence and the introduction of British court procedures. Sachs reports that:

at the head of affairs were well-paid judges drawn from the English, Irish and Scottish Bars; at the lower end were magistrates invested with wide-ranging judicial and administrative responsibilities.²³¹

Additionally, British legal procedures, such as preliminary examinations, trial by jury in serious cases, indictments, bail, and examination of witnesses was introduced.

1828 saw the beginning of the Supreme Court of the Cape, along with the introduction of four judges. These judges, according to Sachs, were attracted by the good climate of the Cape and good salary of the position. These men were also regarded to have strong personal motives for accepting the positions and to have been “well-educated”, possessing an “independence of spirit” and facing their professions with a “new style”.²³²

The early British judges, according to Sachs, should be credited with not only interpreting the law but creating it. These men were responsible for introducing Rules of Court, making English rules of evidence applicable to the Cape Courts, setting up a Land Register, establishing the office of Master of the Supreme Court, the qualifications for jurors and concerns over proposed legislation.²³³ Furthermore, these judges regarded themselves as “watchdogs of constitutionality and representatives of the Crown”.

Judges for the Circuit Courts were working especially hard. By 1850, this judge would need to travel more than 130 000 square miles. This trip was completed twice a year for three months at a time to districts with prisoners waiting to be tried.²³⁴ Sachs suggests that these judges were regarded as almost important as the governor, and their arrival in these towns seemed to be an occasion.²³⁵ Eventually, a separate Eastern Cape Division of the Supreme Court was

²³⁰ A. Sachs: *Justice in South Africa*, p. 36.

²³¹ *Ibid.*, p. 38.

²³² *Ibid.*, pp. 38-39.

²³³ *Ibid.*, p. 41.

²³⁴ *Ibid.*, p. 42.

²³⁵ *Ibid.*

established to “ease the load” of these judges. Judges here, frequently held court well into the night – at times from 6am to midnight.²³⁶ Here, it could be argued that these judges were overworked and certainly explains the much higher conviction rates, as reflected in Section 2.2.2. It also explains why very little details of the cases appear in the court proceedings. In essence, the judicial system was nothing short of a factory.

In comparison to the work load of these judges, Cape Town judges had such little work to do that often three of them would sit together even over “trifling matters”.²³⁷ This is particularly interesting, according to Sachs, as from 1856 there was a procedure of automatic review where all court cases which had been passed in rural courts with a sentence exceeding one month of imprisonment, more than a £5 fine or more than one month’s imprisonment were reviewed by the Supreme Court.²³⁸ This procedure, in practice, only saw a tenth of convictions being reviewed, and only approximately one in a hundred of the reviews changing a conviction.²³⁹

By 1850 judges were being appointed such as Watermeyer, Ebdon and Cloete – which Sachs argues raised the “standard of Roman-Dutch law scholarship”. However, this was always out balanced by the Chief of Justice being either English or Scottish, until 1868 where all judges were appointed from the Cape Bar. Following the establishment of the responsible government in 1872, all judges were appointed by the Cape Government.

The quality of judges throughout the 19th century then varied. For example, Chief Justice Bell (1855-1858, 1868-1874) “was strong on points on law but weak on tact”, Chief Justice Hodges (1858-1868) was biased against the letter “H” and focused on improving jail conditions but not on points of law. Judge Dwyer (1868-1886) was regarded as a “hedgehog” judge and Chief of Justice J.H de Villiers (from 1874 and reselected after the establishment of the Union in 1910) was regarded as dignified, tactful and concerned with improving justice. Chief of Justice J.H de Villiers was accredited with shaping Roman-Dutch law to suit the modern and developing economy of the Cape.²⁴⁰ His successor, Sir James Rose-Innes, was of the opinion that “the

²³⁶ A. Sachs: *Justice in South Africa*, p. 43.

²³⁷ *Ibid.*, p. 44.

²³⁸ *Ibid.*, p. 44.

²³⁹ *Ibid.*, p. 52.

²⁴⁰ *Ibid.*, p. 44.

fundamental principle that no man's fundamental rights should depend on the colour of his skin".²⁴¹

In addition to these judges, the administration of justice was also transformed in 1827 were magistrates replaced *landdrosts*. These magistrates were responsible for:

The administrative tasks of receiving taxes, issuing licenses, collecting information, publishing government notices and solemnising marriages with the judicial tasks of hearing all but the more serious criminal and civil cases. Though their jurisdiction was limited in civil cases to relatively small awards and in criminal cases to the imposition of short terms of imprisonment, heavy lashes and low fines, it was in their courts that most trials took place and it was they who represented the administration of justice to the man in the veld.²⁴²

The absence of "sufficient" magistrates was one of the concerns of the Colony for many years, along with their training. During this period magistrates were expected to deal with issues of desertion or refusal to work where the white complainant expected severe punishment.²⁴³ Punishing farm labourers was of significant concern throughout the 19th century. For example, in 1892 it was considered whether to remove a magistrate who had been extremely harsh towards "native" offenders and servants. Clearly, magistrates were aware of, and pressurized by, local farmers' feelings. Sachs reveals that in 1894 the "Strop Bill" was brought before the court which if passed would have legalised the flogging of servants.²⁴⁴ During the early years of these magistrates, justices of the peace were appointed to police in the "country districts" from 1827, however these men did retire as the magistracy advanced. The justices of peace, by 1894, only tried 1 400 cases as opposed to 50 000 cases in the magistrates' courts. These 1 400 cases were mainly related to the Masters and Servants Acts.²⁴⁵

It is within this judicial climate that attention will turn to the reported rapes in these two judicial courts.

²⁴¹ A. Sachs: *Justice in South Africa*, p. 45.

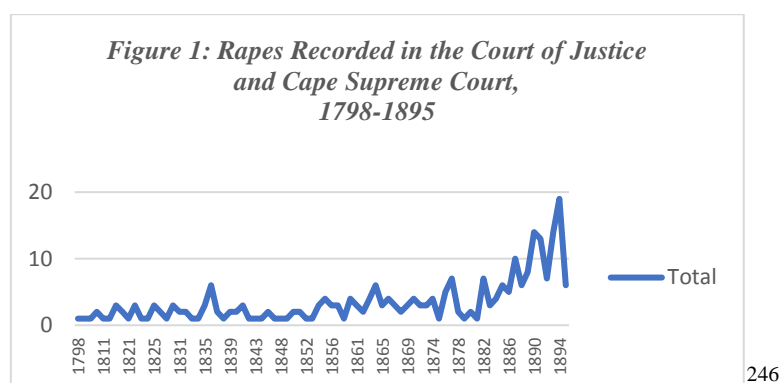
²⁴² *Ibid.*, p. 50.

²⁴³ *Ibid.*

²⁴⁴ *Ibid.*, p. 51.

²⁴⁵ *Ibid.*, p. 52.

2.2.1.1 The Court of Justice and the Cape Supreme Court



It is evident that the number of rapes reported to the courts remained quite insignificant throughout the period under investigation. This is not to suggest that rape was not occurring but rather that they were either not reported or dismissed by the judiciary and deemed unprosecutable. On the façade, it appears that there was a steady increase in the number of reported rapes per year. The highest incidence of rape for this period was in 1894 with 19 cases of reported rape. There are several erratic spikes in this graph that are worth mentioning, namely at 1836, 1864, 1877, 1882, 1887, 1890, 1891, 1893 and 1894. It is of significance that these “spikes” are at times referring to an increase from one case per year to five cases. Although it would then appear as if these “spikes” are then trivial based on the small number of recorded cases it is the sudden increase and then decrease in reported rapes which is of interest.

The six rapes reported in 1836 in the Supreme Court records correlates with the subsequent appointment of Sir Benjamin Alfred D’Urban as Governor of the Cape colony in 1834. It is important to note that changes in legislation and administration would only be reflected in the statistics a year or two later. Under this new leadership, Sir D’Urban established an executive and legislative council and Ordinance No. 73 was passed which altered and amended Ordinance No.40. Here it was stated that any officer or private person:

²⁴⁶ The year in this statistic corresponds to the year that the rape was committed and not the year that the rape appeared in the records. This statistic makes use of all identified rape cases in the Court of Justice and Cape Supreme Court Records. For specific case files, please refer to Appendix A: 7.1.

is authorized and required to arrest or assist in arresting any person who has committed or is on reasonable ground suspected to have committed any murder, culpable homicide, rape, robbery, or assault with intent to commit any of those crimes...²⁴⁷

Additionally, this Ordinance even specified that if the suspect resisted capture, his or her death was “justifiable”.²⁴⁸ These aspects of the Ordinance indicate that there was indeed increased pressure to report and police these kinds of crimes, and rape was central to this new policing mechanism.

The visibly heightened period of sexual violence between 1850-1860, which saw changing legislation and increased policing mechanisms being implemented. It also marked an increase in immigration to South Africa.²⁴⁹ These new arrivals were affected by economic changes taking place in the mother-country and they arrived in an exotic land where they had more status over the black²⁵⁰ populations. With this newfound freedom and status over “the other”, local authorities increased their policing strategies. In 1864, six cases of rape appeared before the courts.

By 1872, the Cape was granted a fully responsible Government status. The formation of this government saw a renewed interest in legislation adapted to local realities. One such example becomes evident through the establishment of the office of the “secretary for native affairs”.²⁵¹ A definable “native” racial group was now receiving specific attention. It is interesting to note that seven rapes were recorded in 1877. This is not to suggest a direct correlation between the two. It was five years later that one begins to notice an upward trend in rape reporting. In 1882, there were seven reported rapes, 1887 - 10 rapes, 1890 - 14 rapes, 1891 - 13 rapes, 1893 - 13 rapes and 1894 - 19 rapes. It is here that population shifts require contemplation.

However, these spikes are largely negligible and the only visible trend worth mentioning is that of an increasing reporting of rapes in Cape Town. According to historian Katherine Elks, who

²⁴⁷ Stellenbosch University Library, XL Statute Law Cape of Good Hope, 1714-1853, p. 410.

²⁴⁸ *Ibid.*

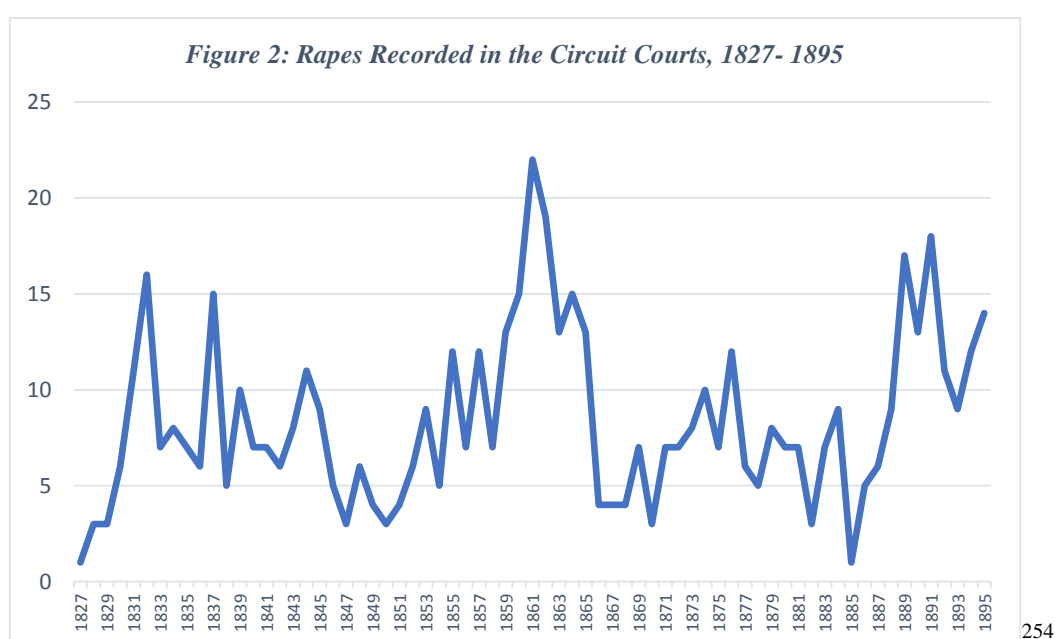
²⁴⁹ R. Hyam: *Empire and Sexuality: The British Experience*, preface.

²⁵⁰ Used here to refer to the population groups who were not white.

²⁵¹ Stellenbosch Library, Statutes of the Cape of Good Hope 1652 – 1886, Volume I, p. 370.

studied crime in Cape Town during 1825-1850, the Cape courts saw a focus on petty crimes such as drunkenness, common assault, prostitution, gambling and vagrancy.²⁵² Elks states that the Supreme Court usually dealt with less than 100 cases a year of murder and rape. In comparison to this, magistrates of “inferior” courts dealt with up to a 1000 of these cases.²⁵³ This is an indication of the level of attention given to crimes of rape. Questions therefore arise around rape trends in magistrate courts in Cape Town, compared to the Supreme court as well as the differences which existed between urban and rural courts.

2.2.1.2 Rape Reporting in the Circuit Court Districts



Reported rapes in the Circuit Courts are clearly erratic. There are several peaks worth mentioning: 1832, 1837, 1844, 1855, 1861, 1876, 1889 and 1891. These newly established courts were in a state of development. Added to this many of the Circuit Court courts were regarded as inadequate and inconsistent, they were also reported to be “crowded” and “inconvenient”.²⁵⁵ These factors formed the conditions under which the cases of rape were heard by the travelling judges. This implies that these judges were not necessarily incompetent

²⁵² K. Elks: “The Police and Crime in Cape Town 1825-1850,” *Kronos*, 12, 1986, p. 43.

²⁵³ *Ibid.*

²⁵⁴ This statistic makes use of all identified rape cases in the Circuit Court Records from this thesis. It is important to note that this graph only includes data from 1827-1895 as the Circuit Court first record was from 1827. The cases used for this statistic are located in Appendix A: 7.2.

²⁵⁵ H. J Erasmus, “Circuit courts in the Cape Colony during the nineteenth century: hazards and achievements,” *Fundamina*, February 2013, 19(2), p. 285.

but rather overworked. Peaks could very well be explained by specific court sessions (judge and jury) being either quick to pass judgement on particular types of so-called undesirable men, eager to protect more respectable women or indeed being more sensitive towards issues of rape.

The local government was also keen on improving the judicial system from 1829. These efforts to develop the effectiveness of the legal system correlates with a visible increase in reporting of sexual offences in the districts. This is evident by the peak in 1832 where 16 rapes were recorded. Between 1834-1838, the abolition of slavery and the “apprenticeship of slaves” was also in motion. Members of these previously restricted classes were quick to resettle throughout the colony.²⁵⁶ A fluctuating society would lead to shifts in population demographics and new spheres of contact between black and white populations, not necessarily accustomed to these newfound sites of social intimacy.

Furthermore, racial distinctions between servants were obscured by the Masters and Servants Ordinance of 1841. This meant that white and coloured servants as well as ex-slaves were theoretically equal before the law. The Masters and Servants Ordinance regulated the rights and duties of masters, servants and apprentices.²⁵⁷ Legally, racial distinctions between servants (white, coloured and ex-slaves) were eliminated. The literature presented in Chapter 1 already indicates how power dynamics influenced the reporting of rape during slavery. In the absence of slaves, men had to turn to alternative methods of forcing themselves on women. Similarly, the new laws offering more rights to people of the lower classes provided an opportunity for women to report rapes. By 1844, 11 of such attacks appeared before the judiciary.

Two further pieces of legislation coincide with the peaks of 1855, 1857 and 1861, in which a clear shift occurs where the more affluent groups regain the power they lost over the working classes under the Ordinance of 1841. The promulgation of the Masters and Servants Act in 1856, repealed the equal rights between “Masters, Servants and Apprentices”. It also revoked Act No. 4 of 1855 which encouraged the importation of European labourers into the Colony.²⁵⁸

²⁵⁶ One such example can be seen in the district of Stellenbosch, refer to C. Fransch, “Stellenbosch and the Muslim Communities, 1896-1966”, unpublished MA thesis, Stellenbosch University, 2009.

²⁵⁷ Stellenbosch Library, XL CAP, Statutes of the Cape of Good Hope 1652-1886, Volume II, pp. 1595 -1597.

²⁵⁸ *Ibid.*

What this suggests is that there was a need for white labourers from abroad between 1855 and 1856 and it also removed some rights from all those now being incorporated into the growing working classes which included both white immigrants and ex-slaves from the Cape. The white settlers had an increasing control over the labour force, and their bodies. The judicial procedure and handling of evidence was also improved in 1861 under the Act “For Improving the Administration of Criminal Justice”.²⁵⁹ It is here that the highest peak occurs and suggests a more rigid process of judicial enquiry which resulted in more cases being sent for trial in the districts.

The Circuit Courts clearly see a spike in reported rapes from 1855-1865. This decade sees an increase in reported rapes from 1855 (12 rapes), to the peak in 1861 (with 23 rapes) and ends with 13 rapes in 1865. This spike requires further contemplation. One noticeable trend during this decade is the prevalence of labourers and servants. Of the 108 cases during 1855-1865 where the occupation of the rapist was provided, 70 were men of the lower class. It is then evident that 65% of rapists during this period were of the lower class.²⁶⁰

Interestingly, following this spike is a slump in reported rapes. 1866-1870 sees the reporting of five rapes (1866) to three rapes in 1870. When comparing the types of rapists prevalent in this section to the peak in 1855-1865, it is evident that of the 22 rapists whose occupations were provided, 14 were of the lower class. Thus similar to the peak in 1855-1865, 64% of rapists in 1866-1870 were of the lower class.²⁶¹

When the peak of 1855-1865 is compared to the slump before from 1844-1854, however, it is also evident it was mainly men of the lower class reported for rape. Of the men whose occupations were known (63 cases), 45 were men of the lower class. It is then evident that before the peak, 71% of accused rapists were of the lower class. This trend is then evident throughout the 19th century and not peculiar to the peak.²⁶²

²⁵⁹ Stellenbosch Library, XL CAP, Statutes of the Cape of Good Hope 1652-1886, Volume I, pp. 432 – 438.

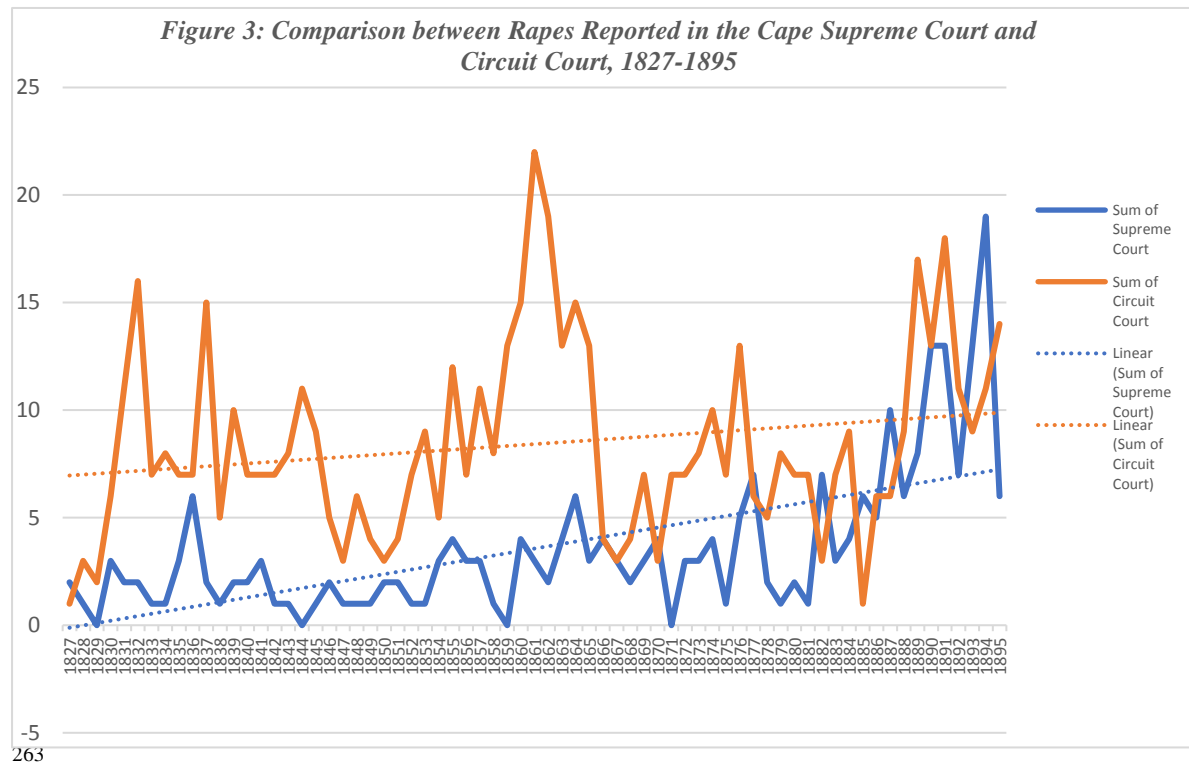
²⁶⁰ These statistics are derived from cases of rape located in: KAB CSC 1/2/1/54 – KAB CSC 1/2/1/81.

²⁶¹ These statistics are derived from cases of rape located in: KAB CSC 1/2/1/82 – KAB CSC 1/2/1/87.

²⁶² These statistics are derived from cases of rape located in: KAB CSC 1/2/1/32 – KAB CSC 1/2/1/53.

To further probe these reporting trends, comparisons will be made between the Circuit and Supreme Court trends.

2.2.1.3 Comparison between Urban and Rural Courts in the Cape, 1827-1895



It is of importance to note that the Circuit Courts and Supreme Court appear to mimic each other in large part, suggesting similar trends in both settings. This is suggestive of an improving and systematic judicial system permeating in both environments, firmly grounded in the legislation of the Cape Supreme Court. This meant that when legislation changed in the Cape and affected the Supreme Court, these changes were then implemented in the district courts too. There are however some anomalies.

Firstly, during the mid-1840s the Circuit Court peaks whilst the Supreme Court drops. Similarly, at the end of the 1840s the Circuit Court peaks whilst the Supreme Court's growth stagnates. The end of the 1850s sees a dip in the Supreme Court records of rape, whilst there

²⁶³The circuit courts were only established in 1828 – and include cases that occurred in 1827 and were reported in 1828. Therefore, an effective comparison will be made between 1827 and 1895. The cases used in this statistic can be located in Appendix A: 7.3.

is a drastic increase in the Circuit Court records. Throughout all of these instances the Circuit Court appears to peak when the Supreme Court is dipping. One possible explanation for this is that the judges – who were no doubt affected by events occurring in the Cape district and Supreme Court such as changes in legislation – were only travelling to the Circuit Courts at the end of each year.²⁶⁴ This would have influenced the actual recording of rapes too and could account for this “delay” in peaks and dips present in the Circuit Courts.

By the 1860s the gap between the two sets of courts narrows drastically. From this period onwards, the actual amounts of reported rapes in both sets of courts are very similar as well as the peaks and dips of these records. This could be explained by the Circuit Courts becoming more organized and accurate as time progressed. Clearly policing was becoming more effective throughout the Cape. It is however important to note that at the end of the 1870s and beginning of the 1880s, the Supreme Court graph dipped whilst the Circuit Court peaked. This could be explained by the large number of labourers working in these rural areas and the rise in rape and Black Peril scares, as alluded to in Chapter 1. The occupation of these labourers is of importance as these scares specifically deflected anger towards black men for the slightest sexual advance towards a white woman.²⁶⁵ The Supreme Court, or urban court, in contrast would not have seen as high numbers of labourers purely based on the lack of farms in comparison to the rural courts.

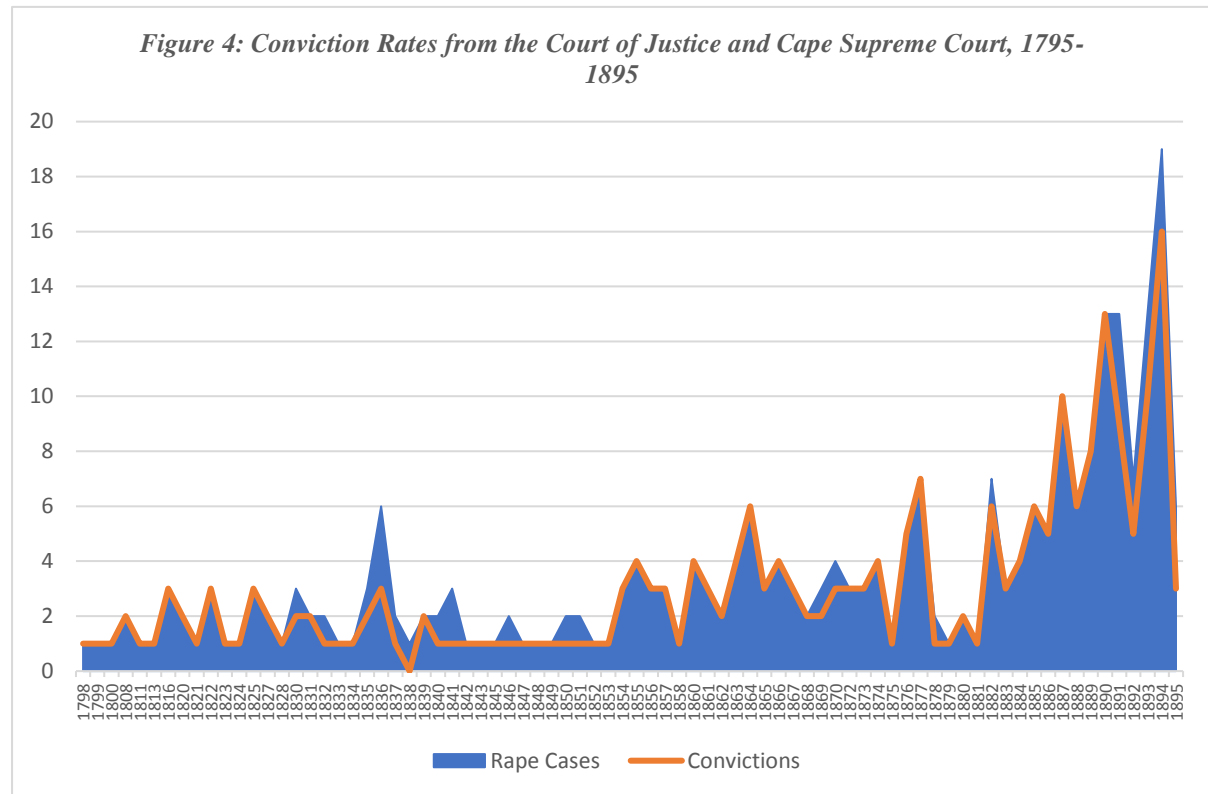
What is clear is that the Circuit Courts indicate more recorded rapes – a total of 581 rapes were recorded in these courts during the researched period as opposed to a total of 246 cases in the Court of Justice and Cape Supreme Court records. In order to fully assess the efficacy of the judiciary, attention will now be given to conviction rates in these courts.

²⁶⁴ H. J Erasmus: “Circuit Courts in the Cape Colony during the Nineteenth Century: Hazards and Achievements,” *Fundamina*, 19(2), February 2013, p. 276.

²⁶⁵ Although it is important to note that not all labourers were black men.

2.2.2 Conviction Rates, 1795-1895

2.2.2.1 Court of Justice and Cape Supreme Court Conviction Rates



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When regarding conviction rates from the Court of Justice and Supreme Court records several trends are evident. Firstly, at the beginning of the selected period conviction rates are extremely high, with years having a 100% conviction rate. Around 1830 the conviction rates are still mostly high, although most years no longer have a 100% conviction rate. 1830, 1832 1835, 1836 and 1837 also see a nominal decreased rate in conviction. This could correspond with the new leadership of Sir D'Urban, in 1834 who established an executive and legislative council. This council passed Ordinance No. 73 which resulted in increased pressure to report crimes such as rape, and increased pressure to apprehend any suspected person.²⁶⁷ Increased platforms for reporting could lead to false accusations in a climate of hysteria. This ordinance may have seen officials being “hyper-sensitive” to “suspicious” people. These factors would have influenced the focus of the court and could perhaps provide an explanation as to why conviction

²⁶⁶ The cases used for this statistic are located in Appendix A: 7.1

²⁶⁷ Stellenbosch University Library, XL Statute Law Cape of Good Hope, 1714-1853, p. 410.

rates for rape decreased during this period. However, there is little doubt that conviction rates were extremely high, even if reporting rapes were minimal.

1840 sees a decrease in conviction rates, with 1841 as a discernible turning point where less than a 50% conviction rate is seen. Importantly, in 1841 the Cape Masters and Servants Ordinance was passed. The three cases that appeared before the court in this year all involve a labourer being accused of rape where the victims were one servant and two whose occupation was unknown.²⁶⁸ It is plausible that the courts were more lenient in sentencing people from the labouring class.

From 1846 there were low rates of conviction which can be explained not only through low rates of reporting but also through class. It becomes clear that the accusing of certain classes warranted a more likely conviction. 1846, for example, saw a conviction rate which was split equally between conviction and no conviction which be explained by there only being two recorded cases of rape, one by a labourer which resulted in the death penalty and one by a private²⁶⁹ whose verdict was not guilty.²⁷⁰ As the Cape was a society very much concerned with class during this period, this would have no doubt effected whether he was convicted or not.

Similarly, in 1850 and 1851 conviction rates were also split equally between conviction and no conviction. 1850 saw the recording of two rapes, both of which were labourers.²⁷¹ The one labourer was sentenced to imprisonment with hard labour and the other case has no record of the outcome. Due to this lack of record it is possible that the case could have resulted in a conviction or an acquittal. 1851 also only saw two cases of rape recorded, here the labourer was convicted but the accused rapist whose occupation was unknown was found not guilty.²⁷² 1857 saw three recorded cases of rape, where only two of the three resulted in conviction.²⁷³ The case which did not result in a conviction was that of an accused rapist whose occupation

²⁶⁸ KAB CSC 1/1/11, no.5, KAB CSC 1/1/12, no.9 and KAB CSC 1/1/12, no.11.

²⁶⁹ A Private during this period was someone who worked in the military or navy.

²⁷⁰ KAB CSC 1/1/13, no.5 and KAB CSC 1/1/13, no.5.

²⁷¹ KAB CSC 1/1/14, no.13 and KAB CSC 1/1/15, no.2.

²⁷² KAB CSC 1/1/16, no.7 and KAB CSC 1/1/16, no.8.

²⁷³ KAB CSC 1/1/17, no.3, KAB CSC 1/1/17, no.9 and KAB CSC 1/1/17, no.2.

was unknown. As 1856 saw the enforcing of the Promulgation of the Masters and Servants Act it is then possible that the court during 1857 was focused on convicting labourers, but when the occupation of the accused was unclear then the conviction remained uncertain. Furthermore, 1861, 1864, 1865, 1868 and 1869 also saw decreased rates of conviction. For 1861, there are three recorded rapes, one of which did not result in a conviction.²⁷⁴ 1864 saw six recorded rapes, in which only one did not result in a conviction.²⁷⁵ This specific case was of a stone mason, as opposed to the others which were all labourers. This corroborates existing literature where it is recorded that labourers were most likely to be the perpetrators of rape.²⁷⁶

1865 witnesses three recorded rapes, where the one case which did not result in a conviction was that of a baker.²⁷⁷ 1868 only recorded two cases of rape, one of which did not result in a conviction.²⁷⁸ In 1869, of the three recorded rape cases, the case which did not result in a conviction was that of a shepherd.²⁷⁹ Again, it is evident that certain classes when accused of rape are less likely to be convicted. This would then affect the conviction rates.

From 1870, there are only three years where there is a 100% conviction rate.²⁸⁰ This contrasts the data presented for the beginning of the period. This is also noteworthy as the rape peril and scare period begins towards the 1880s, this would suggest that the courts were focused on higher reporting rates due to this hysteria, which may have resulted in 100% conviction rates in a bid to punish any man threatening the ruling class.²⁸¹ To further develop this, attention will be given to trends in the Circuit Courts.

²⁷⁴ KAB CSC 1/1/18, no.6, KAB CSC 1/1/18, no.6 and KAB CSC 1/1/18, no.15.

²⁷⁵ KAB CSC 1/1/19, no.10, KAB CSC 1/1/19, no.11, KAB CSC 1/1/19, no.5, KAB CSC 1/1/19, no.8, KAB CSC 1/1/19, no.14 and KAB CSC 1/1/20, no.15.

²⁷⁶ P. Scully: "Rape, Race and Colonial Culture: The Sexual Politics of Identity in the 19th Century, Cape Colony, South Africa," *The American Historical Review*, 100(2), April 1995, p. 352.

²⁷⁷ KAB CSC 1/1/20, no.12, KAB CSC 1/1/20, no.6 and KAB CSC 1/1/20, no.26.

²⁷⁸ KAB CSC 1/1/21, no.14 and KAB CSC 1/1/22, no.4.

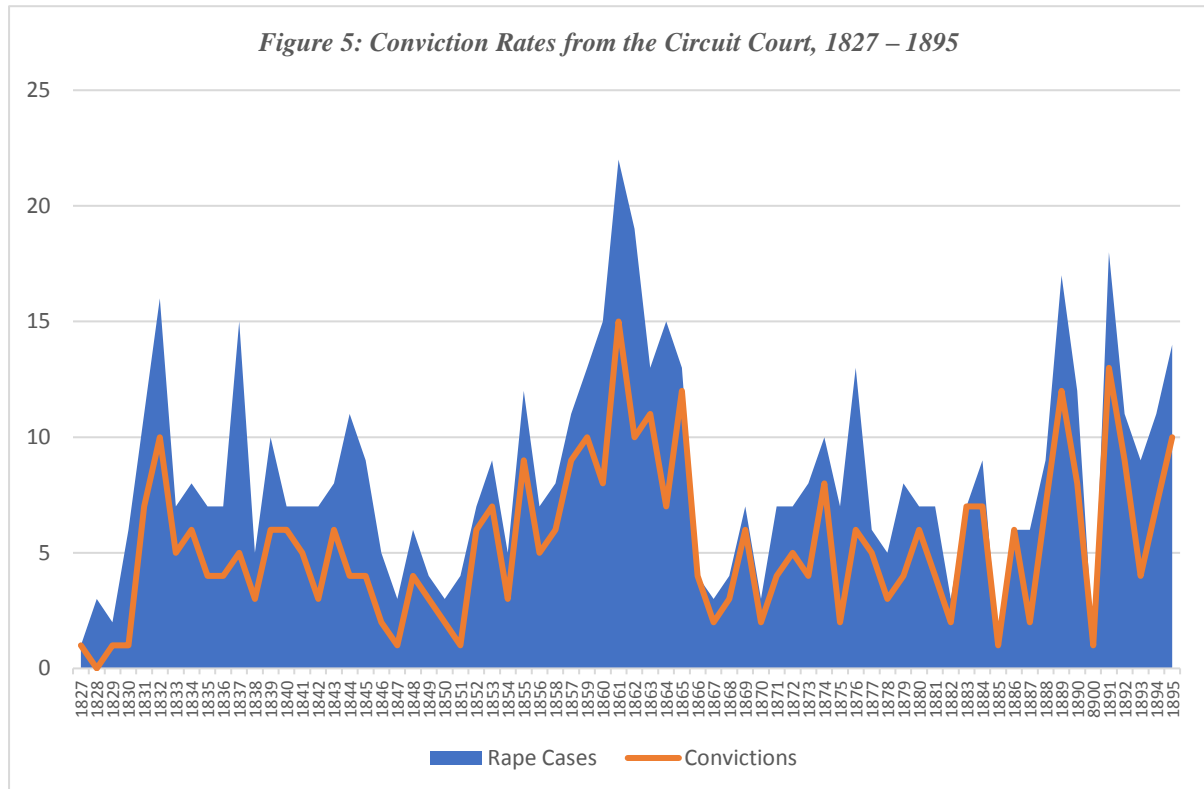
²⁷⁹ KAB CSC 1/1/22, no.16, KAB CSC 1/1/22, no.33 and KAB CSC 1/1/22, no.14.

²⁸⁰ These years are: 1875, 1881 and 1894 and the relevant cases are: KAB CSC 1/1/25, no.6, KAB CSC 1/1/29, no.3, KAB CSC 1/1/32, no.14, KAB CSC 1/1/32, no.10, KAB CSC 1/1/32, no.21 and KAB CSC 1/1/33, no.2.

²⁸¹ An investigation into how rapists were punished will be completed in Chapter 3.

2.2.2.2 Conviction Rates at the Circuit Courts

It is of importance to consider conviction rates in the Circuit Courts. Here the judiciary system was still developing. Literature here suggests that rural courts conviction rates would be lower and less consistent than in the urban courts. As these courts were also reviewed by Cape Supreme Court it would seem unlikely that they were as “efficient” as the Cape Supreme Court.



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In contrast to the Court of Justice and Supreme Court records, the Circuit Court records illustrate that from 1827 there were mixed conviction rates per year. According to these statistics there are only five years where there is a 100% conviction rate, being 1827, 1866, 1883, 1885 and 1886.

The years which did see a 100% conviction rate can be explained in terms of the occupation and class of the rapists and rape victims. The first year that the Circuit Courts records a rape

²⁸² These statistics only begin from 1827 as this is when the first case occurred that was recorded in Circuit Court records. The cases used to form this statistic are located in Appendix A: 7.2.

saw only one case of rape being recorded, and here the accused was a labourer charged with raping the wife of a private.²⁸³ Due to the vastly different classes of both parties involved, it is highly unlikely that this rape would not end in conviction. 1866 saw the recording of five rapes, all five of which resulted in a successful conviction.²⁸⁴ These five rapes were committed by labours and one herder, their victims were mostly unknown and unrecorded. Similarly, 1883 saw seven recorded rapes all resulting in conviction.²⁸⁵ Here the rapists were mainly herders and labourers, there was also one “overseer”. The 1880s also saw two other 100% conviction rates. In 1885 only one rape case was recorded and again the occupation of this rapist was a labourer.²⁸⁶ 1886, saw six cases of rape reported.²⁸⁷ Of these cases, four were labourers and the other two were shepherds. Again, it is important to consider the factor of occupation when analysing why this year saw a 100% conviction rate. Clearly, occupation and therefore class affected the conviction rate.²⁸⁸

In general, the 1840s saw low conviction rates, but there was an increase in conviction from the 1850s. Another noticeable trend is that during the peak of 1855-1865, 104 of the 150 cases resulted in conviction. This 69% conviction rate²⁸⁹, is noticeably higher than the conviction rate for the period before the spike. The period of 1844-1854 records only 37 of the 66 cases resulting in a conviction. Therefore there was a 56% conviction rate.²⁹⁰ The Cape Circuit Courts were clearly focused on improving the efficacy of these courts from 1855 as there is both a noticeable increase in reporting and conviction rates. The period following the peak, 1866-1870 is a testament to this observation. This period saw a further increased conviction rate of 77%.²⁹¹

²⁸³ KAB CSC 1/2/1/1, no.2.

²⁸⁴ KAB CSC 1/2/1/82, no.11, KAB CSC 1/2/1/82, no.19, KAB CSC 1/2/1/82, no.16, KAB CSC 1/2/1/82, no.1 and KAB CSC 1/2/1/84, Michiel.

²⁸⁵ KAB CSC 1/2/1/98, no.3, KAB CSC 1/2/1/98, no.5, KAB CSC 1/2/1/95, no.4, KAB CSC 1/2/1/98, no.5, KAB CSC 1/2/1/98, no.1, KAB CSC 1/2/1/99, no.7 and KAB CSC 1/2/1/99, no.1.

²⁸⁶ KAB CSC 1/2/1/100, no.3.

²⁸⁷ KAB CSC 1/2/1/101, no.5, KAB CSC 1/2/1/101, no.1, KAB CSC 1/2/1/101, no.3, KAB CSC 1/2/1/102, no.5, KAB CSC 1/2/1/102, no.4 and KAB CSC 1/2/1/102, no.3.

²⁸⁸ An investigation into class will be made in Chapter 3.

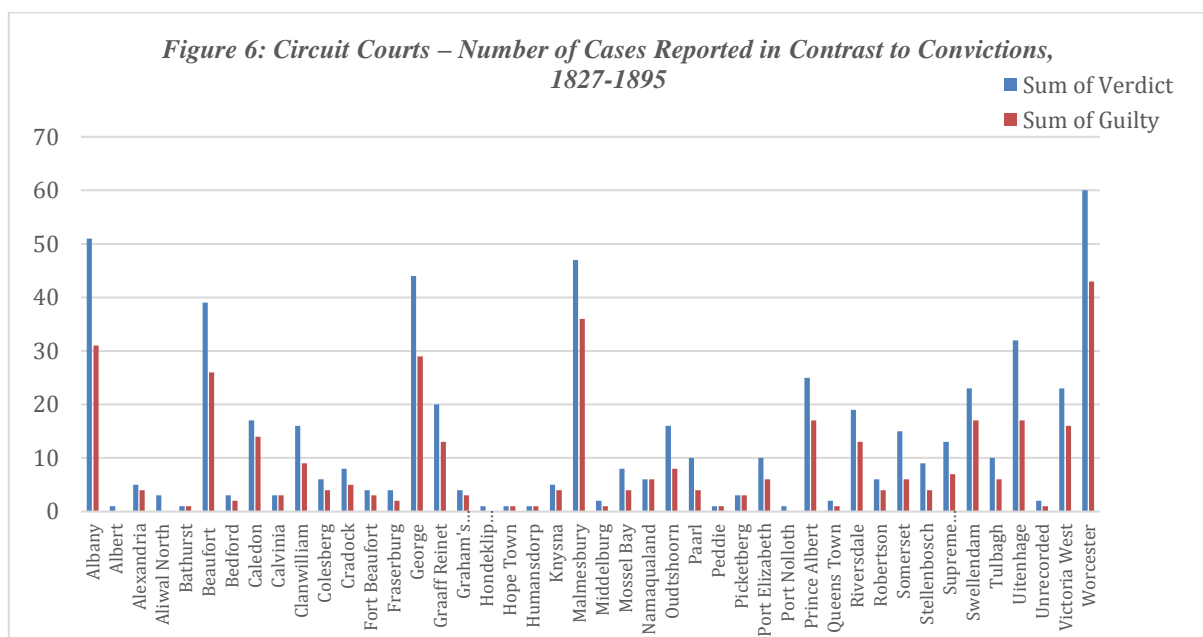
²⁸⁹ These statistics are derived from cases of rape located in: KAB CSC 1/2/1/54 – KAB CSC 1/2/1/81.

²⁹⁰ These statistics are derived from cases of rape located in: KAB CSC 1/2/1/32 – KAB CSC 1/2/1/53.

²⁹¹ These statistics are derived from cases of rape located in: KAB CSC 1/2/1/82 – KAB CSC 1/2/1/87.

Clearly then the spike of 1855-1865 is a noticeable turning point in terms of the rural courts where there was evidently a move to improve the way in which rape was reported but not necessarily how it was punished. The 1870s saw another decrease in conviction but the 1890s ended with a more mixed set of convictions. These fluctuating conviction rates are a reflection of the improperly trained and severely prejudiced judges whose preferences and biases were carried throughout the courts of the Cape district.²⁹² From these statistics it is evident that the Cape Supreme Court and Court of Justice saw a higher percentage of conviction rates. This could have been affected by these rural courts only having trials for two to three months of the year when the judge travelled through to these districts.²⁹³ This meant that the Cape, which was significantly smaller than just one of the other districts (let alone multiple districts), saw a judge for a significantly larger portion of the year than the other districts. This could have affected the consistency of conviction rates. Here, the location of the district court could have played a significant role.

2.2.2.3 Reported Rapes and Conviction Rates in Circuit Courts



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²⁹² For example, Sachs records that judges like Chief Justice Hodges was biased against the letter 'H' and that Judge Dwyer was regarded as a 'hedgehog' judge. A. Sachs: *Justice in South Africa*, p. 44.

²⁹³ H. J Erasmus: "Circuit Courts in the Cape Colony during the Nineteenth Century: Hazards and Achievements," *Fundamina*, 19(2), February 2013, p. 276.

²⁹⁴ The cases used for this statistic are located in Appendix A: 7.2.

From this data set it is evident that Worcester, followed by Albany and Malmesbury and George saw the highest reporting of rape in the districts during the period of 1827-1895. These areas, located on the frontiers, could have seen more tension between established residents and new arrivals. These locations could have been in a judicial transitional phase. Furthermore, these areas of contact with “natives” could have been regarded as places of lawlessness by the British Empire.²⁹⁵ These relative high rates of reported rapes in these areas could be due to these areas having the highest populations and therefore, the rates of reporting being in ratio to how many people resided in these areas. According to the records of Theal, Worcester (by 1848) was already one of the largest districts in the Cape.²⁹⁶ However, a large district did not equate to a large population size. It is then necessary to assess the size of each district according to the available data. It is here that the broader question of population size and rape ratios requires further contemplation.

2.3 Population Trends in the 19th century

Statistical analysis of rape trends requires contextualisation within the broader population figures in order to fully understand whether the number of rapes recorded in the courts can be attributed to a sizeable population increase, thus affecting the proportion of rapes in comparison to population size, or indeed whether other factors need to be taken into consideration. Accessing systematic population statistics for this period has proven difficult and thus one has had to rely on a number of sporadic studies, some of which rely on estimates.

²⁹⁵ “Natives” or “the coloured population” at Malmesbury, for example, already constituted more than 50% of the population in 1849. This statistic was calculated from: Parliamentary Papers, House of Commons and Command: Accounts and Commands: Colonies: Canada; Cape of Good Hope; Emigration: Session 3 February – 1 July 1852, volume 33 (Britain: Harvard College Library, 1852), p. 124. This census records that in 1849 Malmesbury recorded a total white population of 3945. In contrast to this the record states, but admits that the recording of the coloured population was inaccurate due to their “wondering and unsettled mode of life”, that the coloured population was at least 4575. Worcester was recorded to have 4774 coloured people and 4577 white people.

²⁹⁶ G. M Theal, “The History of South Africa,” volume 7, p. 57.

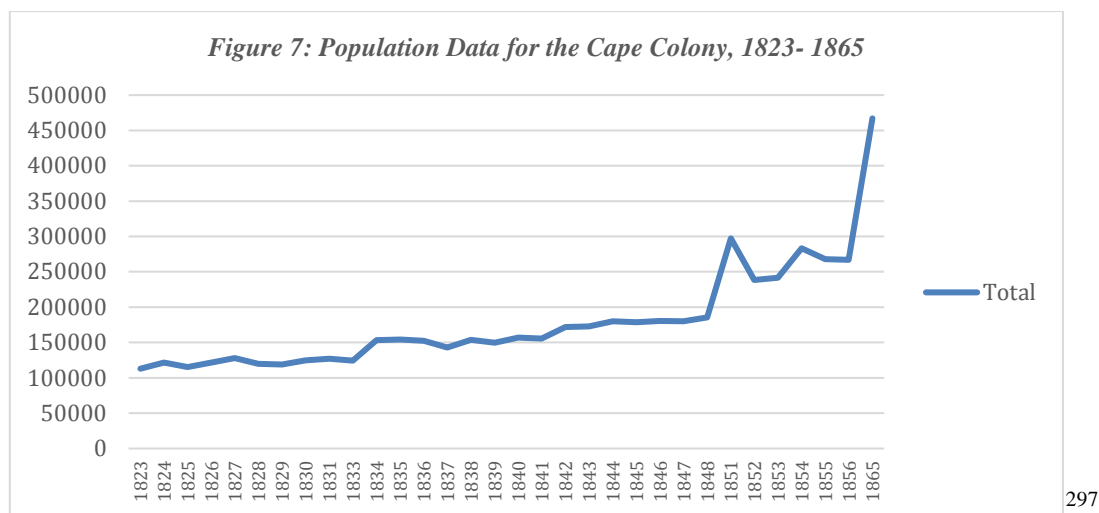


Figure 7 is the first population census to be taken in 1865 after the passing of the Census Act of 1864.²⁹⁸ Prior to this, population statistics were published in the colony *Blue Books* until this too was discontinued in 1856 due to financial constraints. While not much detail on the demographic distribution is visible, there is a marked increase in the Cape population between 1856 and 1865.

According to one of the most prolific 19th century historian, archivists and genealogist of South African history, George McCall Theal, districts such as Stellenbosch, Swellendam, Uitenhage, Graaff Reinet and Tulbagh and later Piketberg, Caledon, George, Worcester, Fort Beaufort, Albany, Somerset, Victoria East, Cradock, Port Albert and Colesberg were all significantly more populated than Cape Town.²⁹⁹ According to historian Clifton Crais, between 1836 and 1840 at least 4000 Dutch settlers left the Cape in protest against British policy.³⁰⁰ This movement and the emergence of a colonial society in the Eastern Cape (including Albany, Uitenhage, Somerset East and Fort Beaufort) formed, according to Crais, “a number of large-scale changes taking place in the Atlantic world”.³⁰¹ This is but one example of the transitional

²⁹⁷ The data used for this statistic was sourced from: Census of the colony of the Cape of Good Hope, 1865, Cape of Good Hope (South Africa), Cape Town, Solomon, 1866, digitalized by the University of California. Data is missing for the years: 1832, 1849, 1850 and 1857-1864.

²⁹⁸ Census of the colony of the Cape of Good Hope, 1865, Cape of Good Hope (South Africa), Cape Town, Solomon, 1866, digitalized by the University of California, p. 1.

²⁹⁹ G. M Theal, “The History of South Africa,” volume 1- 10, 1964.

³⁰⁰ C. C. Crais: *White Supremacy and black resistance in pre-industrial South Africa: The making of the colonial order in the Eastern Cape, 1770-1865* (Cambridge: Cambridge University Press, 1992), p. 4.

³⁰¹ *Ibid.*, p. 1.

nature of the Cape during the 19th century. A vast majority of the population in the Cape Colony was located in the districts, where circuit courts appear from 1828. This is evident from the statistics provided in the Cape *Blue Books*.

The total Cape population rose to 267 096 people in 1861³⁰² in comparison to the total population of 166 408 in 1844³⁰³. By 1866, the population had risen to a whopping 566 158.³⁰⁴ *The Blue Books* record that almost the entire population was involved in the Agricultural sector in 1844.³⁰⁵ This decreased to 12% of the population by 1861.³⁰⁶ Given the peak period for reporting rapes occurred in 1865, attention will be given to some of the population statistics in the districts during this period.

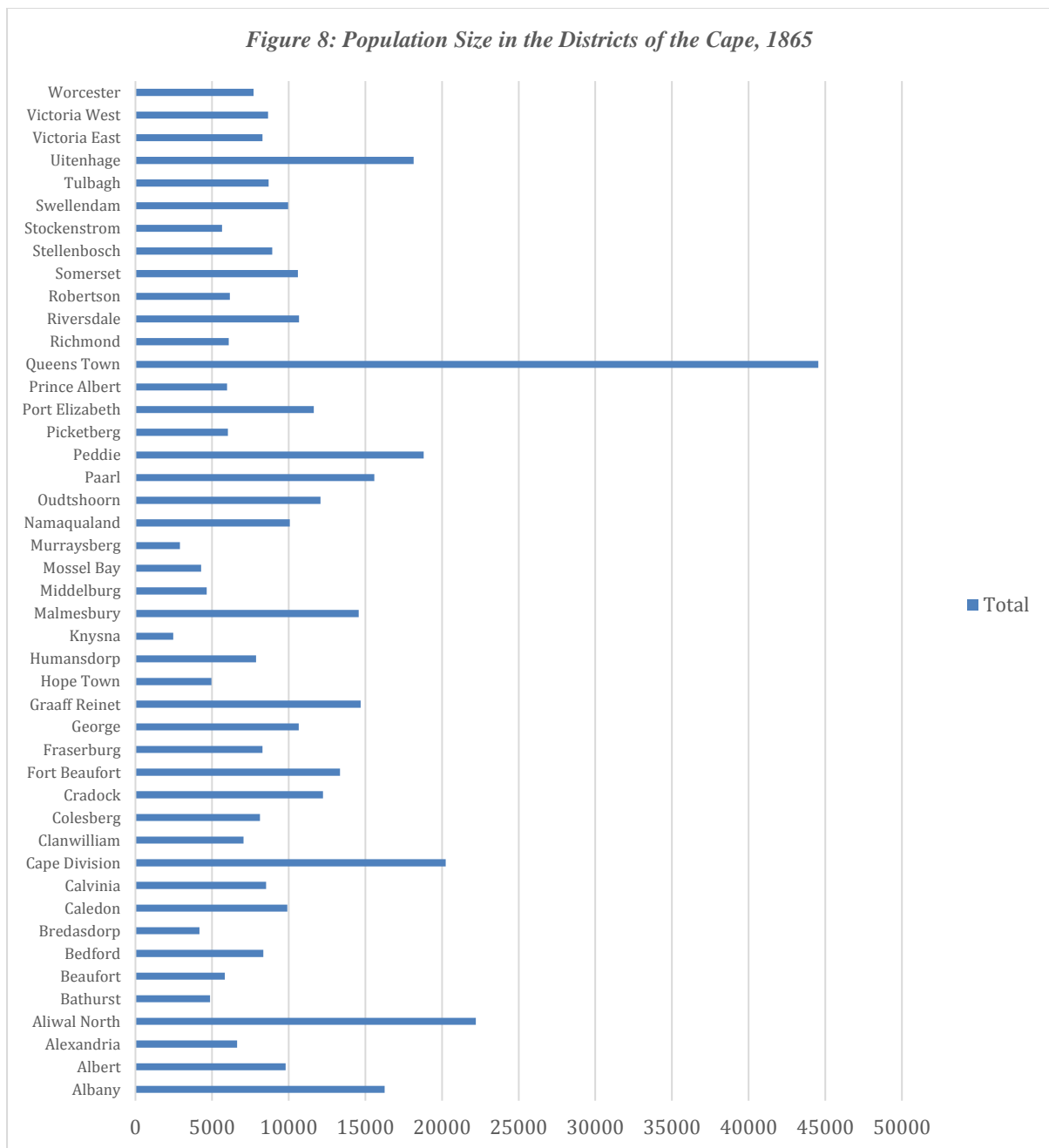
³⁰² *Blue Book: Cape of Good Hope, 1861*, pp. V2-3.

³⁰³ *Blue Book: Cape of Good Hope, 1844*, pp. 222-223.

³⁰⁴ *Blue Book: Cape of Good Hope, 1866*, pp. V2-3.

³⁰⁵ *Blue Book: Cape of Good Hope, 1844*, pp. 222-223.

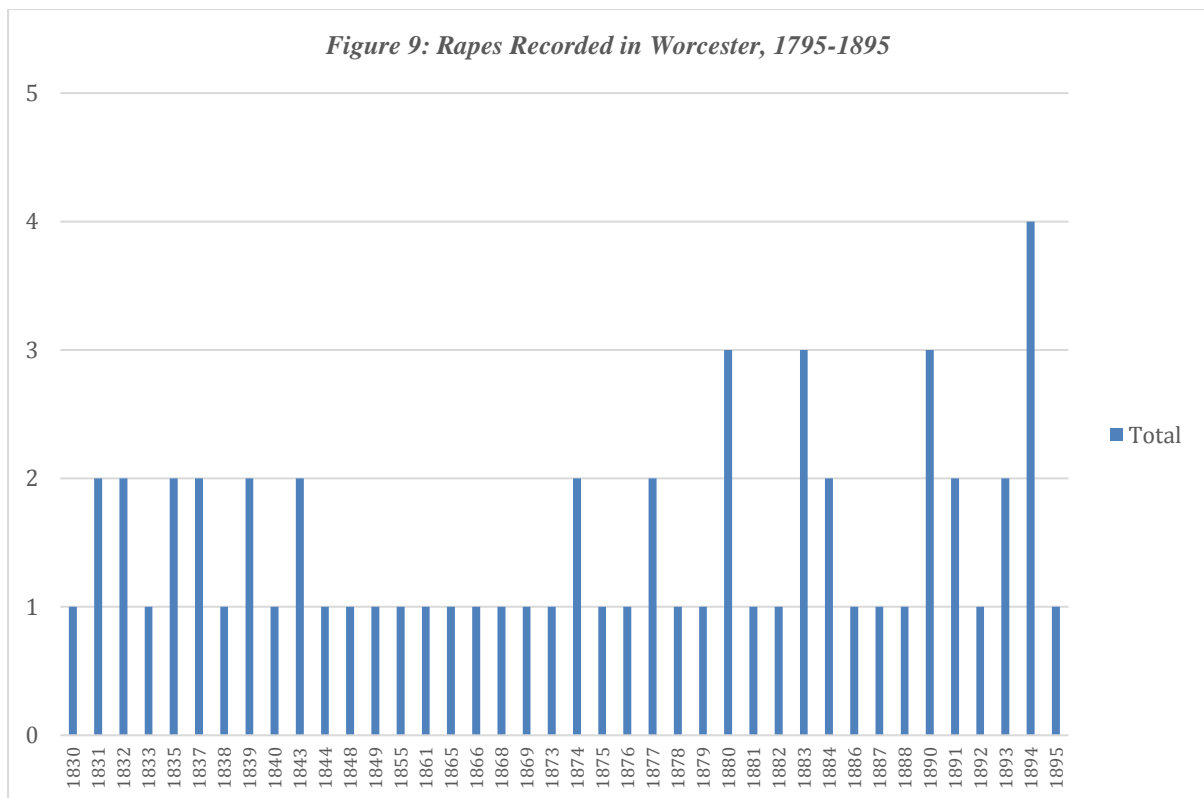
³⁰⁶ This statistic is derived from *Blue Book: Cape of Good Hope, 1861*, pp. V2-3 where 33 638 of 267 096 formed the agricultural sector.



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Although Albany, Malmesbury and George recorded population sizes larger than most other districts which could explain their high rates of reported rape, Worcester's population size was in the bottom half of the data set. It is then necessary to investigate peaks of reported rapes at Worcester in order to explain this trend.

³⁰⁷ The data used for this statistic was sourced from: Census of the colony of the Cape of Good Hope, 1865, Cape of Good Hope (South Africa), Cape Town, Solomon, 1866, digitalized by the University of California.



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From this statistic it is evident that there was an increase in reported rapes in 1830s- 1840s and again from the 1880s. This first peak can be explained following the slave rebellion of 1825, where leader Galant led a revolt against slave owners in Worcester.³⁰⁹ The reported rape cases following this rebellion were mostly associated with those in service or slaves. It is possible that following the revolt the Worcester court was hyper-sensitive towards crimes committed by slaves and those in service. This would certainly explain why crimes of theft, such as rape, were frequently reported. Psychologist Lloyd Vogelmann too explains that in the South African context, rape often occurred in settings of extreme political violence.³¹⁰ 1872 saw the initiation of a railway system connecting Worcester to Kimberly, following the discovery of diamonds.³¹¹ This was followed by mass importing of labour to Worcester. As the rape cases for this period reflect this mass importation of labourers it is then evident that this statistic is proportionate to the increase in this relevant population group. It has been suggested that

³⁰⁸ The cases used for this statistic are located in Appendix A: 7.2.

³⁰⁹ P. van der Spuy: "“Making Himself Master”: Galant’s rebellion revisited”, *South African Historical Journal*, 34(1), May 1996, p. 1.

³¹⁰ L. Vogelmann: *The Sexual Face of Violence: Rapists on Rape*, 1990.

³¹¹ T. Hart: “Cultural Historical Assessment of the Hex Passrailway, Worcester to De Doorns”, June 1998, p. 3.

brutalising environments such as these led to increased violence amongst desperate men and higher incidents of rape.³¹²

It is also possible that these courts - Worcester, Albany, Malmesbury and George - were more organised than others and therefore operated more successfully or that these courts received more of the touring judge's time. These court procedures would have affected the number of cases recorded for each court. Also, of importance from the graph on cases versus conviction rates in the Circuit courts is the conviction rates. Here the only courts which have a 100% conviction rate, or close to this percentage, are the courts which recorded less than 10 rapes during this period.³¹³ This negligible number of reported rapes could have meant that only "serious" rape crimes which offended the class structure and the courts of the Cape were evident in these courts. Of the 56 cases of rape occurring in these "low incidence districts" where the occupation of the victim is known, 59% of the rape victims were from a group identified as deserving protection.³¹⁴ This meaning that rapes against married women, girls who were too young to be married and women of the upper class were more likely to result in conviction due to the court's fixation on "protecting" these women. This could explain why these areas had higher, or 100%, conviction rates.

It is at this juncture that it becomes evident that increased levels of reporting cannot simply be the result of an improved judicial system as this would have had much broader implications for all forms of rape reporting across the various districts. Similarities would have also been visible in Supreme Courts and District Courts because of the former's regulation of the circuit courts. Similarly, there is no direct correlation between population increase and reporting trends, as seen in the district courts. Worcester is but one clear example of this.

³¹² See for example: M. Kopp: "Surgical Treatment as Sex Crime Prevention Measure", *Journal of Law, Criminology, and Police Science*, 28, 1938, pp. 692-706.

³¹³ These courts were: Albert, Alexandria, Aliwal North, Bathurst, Bedford, Calvinia, Colesberg, Cradock, Fort Beaufort, Fraserburg, Graham's Town, Hondeklip Bay, Hope Town, Humansdorp, Knysna, Middelburg, Mossel Bay, Namaqualand, Peddie, Picketberg, Port Nolloth, Queens Town, Robertson and Stellenbosch.

³¹⁴ This statistic is derived from the 56 cases of rape occurring in the above-mentioned courts where the occupation of the victim was given. Of these 56 cases 33 included victims who were either married women or girls too young to be married. The cases used for this statistic are located in Appendix A: 7.6.

Conviction rates also suggest a much more consistent trend in the Supreme Court compared to the district courts in which conviction rates were much lower. Peak periods, such as the 1856-1865 period also suggest a very high reporting rate with a much lower conviction rate, suggestive of a deeper suspicion of rape reports. While changing attitudes towards workers – masters and servants – can partially explain this trend, very unstable population and work demographics would suggest a changing environment in which rape proliferated, or at the very least, became more visible. Questions arise as to why there is a visible shift between 1856 and 1865 which resembles a moral panic in the form of a rape scare in the rural hinterlands of the Cape district.

2.4 A Peril to Note?: The Cape Rural Districts, 1856-1865

Historian Norman Etherington attributes the first recorded rape scares in Natal during the 1870s, to the desire of the dominant classes to maintain control. Perceived assaults of white women was considered an attack on the property of white men and fundamentally challenged their authority. Anxiety grew out of the emerging group of competitive black agriculturalists and transporters and the establishment of uncontrollable migration workers on the Kimberley mines.³¹⁵ Here, the fear of black rapists can be attributed to political and economic loss and a challenge to the power dynamics between the races. Historian Jeremy Martens attributed the 1886 Natal scares to economic depression in Natal in the 1880s also resulting in competition between settlers and blacks. Martens argues that the 1886 scares was a way for white men to reassert their dominance over black men and white women.³¹⁶

In the Witwatersrand between 1890 and 1914, historian Charles van Onselen referred to the Black Peril as a “collective sexual hysteria” also drawing parallels between economic competition and race relations between white middle class and working class families and black men.³¹⁷ This coincided with labour disputes between white working class men and semi-skilled

³¹⁵ N. Etherington: “Natal’s Black Rape Scare of the 1870s”, *Journal of Southern African Studies*, 15, 1988, pp. 36-53. Similar observations are made by S. Dubow: “Race, Civilisation and Culture: The Elaboration of Segregationist Discourse in the Inter-War Years”, paper presented at the Witwatersrand African Studies Institute, March 1986, pp. 1-27, S. Marks & S. Trapido (eds.), *The Politics of Race, Class and Nationalism in Twentieth-Century South Africa* (Harlow: Longman, 1987).

³¹⁶ J. Martens: “Settler Homes, Manhood and ‘Houseboys’: an Analysis of Natal’s Rape Scare of 1886”, *Journal of Southern African Studies*, 28(2), 2002, pp. 379-400.

³¹⁷ C. van Onselen: “The Witches of Suburbia: Domestic Service on the Witwatersrand 1890-1914”, *Studies in the Social and Economic History of the Witwatersrand, 1886-1914* (Johannesburg: Raven Press, 1982), p. 45.

black labourers, culminating in the strikes of 1907 and 1913. By the 20th century, historian Timothy Keegan firmly places the latest of scares in the context of growing poor whiteism and the sexual shenanigans of “lapsed whites”. This challenged racial and cultural control mechanisms.³¹⁸ Historian Sandra Swart investigated growing racial anxiety in the northern Orange Free State and southwestern Transvaal during the “Five Shilling Rebellion”, the Boer rebellion of 1914. She argues that the Natal and the Rand perils at the turn of the 20th century was centred around a single black urban predator while her study concluded that this scare emanated rural concerns about the successful agricultural black family, fundamentally threatening the livelihood of the white farmer.³¹⁹

According to historian Katherine Gombay, by the turn of the 20th century there was “a range of sexual offences allegedly committed by black men against white women”.³²⁰ The “Black Peril” scares also reflected settler perceptions of these alleged offences.³²¹ Essentially, there was little tolerance for any behaviour which threatened the white population.³²² However, the Report of Commission on the Black Peril by the turn of the 20th century, clearly identifies the most vulnerable victims of rape. These were not white women but black women.³²³ Furthermore, black men were seen as “instinctual rapists” who abused alcohol and marijuana.³²⁴ There were also concerns over white prostitutes who engaged in sexual activity with black clients and who were damned for “lowering” white standards.³²⁵ South Africa was also said to be in a crisis of untoward “familiarly” between white women and “native houseboys”.³²⁶ These observations were undoubtedly on the increase, especially towards the latter half of the 19th century. The fact that this Commission makes explicit mention of specific racial groups also suggests that certain racial patterns had been observed. However, the actual

³¹⁸ So much so that the *Carnegie Commission of Inquiry of 1929-1932* was established to investigate the “Poor White Problem”.

³¹⁹ S. Swart: “The ‘Five Shilling Rebellion’: Rural White Male Anxiety and the 1914 Boer Rebellion”, *South African Historical Journal*, 56, 2006, pp. 88-102.

³²⁰ K. Gombay: “The Black Peril and Miscegenation: the regulation of inter-racial sexual relations in Southern Rhodesia, 1890 – 1933,” McGill University, 1991, p. 1.

³²¹ *Ibid.*

³²² *Ibid.*, p. 2.

³²³ Author Unknown: “Fourth General Missionary Conference: Report of Commission VI: Black Peril”, *The Christian Express*, August 1912, pp. 126-132.

³²⁴ *Ibid.*

³²⁵ Author Unknown: “The Report of the Assaults on Women Commission”, *The Christian Express*, August 1913.

³²⁶ Mockockonono: “Extracts from the Native Press: The Black Peril”, *The Christian Express*, June 1912, p. 94.

court cases fail to fully demonstrate the extent of rapist/victim racial profiling. This is much more apparent in the 20th century.

The literature on rape scares indicates the power of racial and economic tensions which gave rise to moments of often unwarranted spikes in rape reporting. Regardless of the motivation, a definable group was perceived as threatening the white population and they were the targets of rape reporting. White women in particular were considered the real or likely targets of these black men's aggression and frustration. It is from this foundation that attention should be given to the underlying conditions at the Cape.

According to historian Vivian Bickford-Smith, the logic of liberal ideology was that if the black race became similar to the white race then they deserved equal treatment, however at the same time the superior social and political position of whites in the Cape society was viewed as "perfectly" logical.³²⁷ From the 1870s social segregation began to increase, which was a response to growing institutions and facilities where "exclusionary segregation" was found absolutely vital. These increases were also in response to the black bourgeoisie class which began to challenge the link between higher status and lighter pigmentation.³²⁸

The depression of the 1880s saw the need for segregation at the Cape decrease, followed by an emergence of racial segregation ideology.³²⁹ There were a number of factors, according to the source, which limited social segregation in Cape Town. Primarily, cost limited this movement. The author concludes that these "traditions" continued at the Cape which saw the Cape becoming known for its "relaxed" approach in comparison to other places. It is also important, he notes, that there was no exact correlation between the division of labour and ethnicity at the Cape. This meant that both white and coloured people worked alongside each other and there was therefore no sharp ethnic division of labour.³³⁰

³²⁷ V. Bickford – Smith: "South African Urban History, Racial Segregation and the Unique Case of Cape Town?", *Journal of Southern African Studies*, 21(1), March 1995, p. 68.

³²⁸ *Ibid.*, p. 73.

³²⁹ *Ibid.*

³³⁰ *Ibid.*, p. 75.

By the 1880s segregation had become the preferred practice for liberals and racists of the “Bond”. Although the establishment of urban and rural locations had already occurred, the aim had been rather to abolish “tribalism”. Administrators viewed proximity to whites as aiding the civilizing mission. During the 1880s the majority of the Cape administrators and politicians decided that these groups of people would now be ruled indirectly through the “native councils” and although their movement would be controlled by the passes it would not be discouraged. At the end of the 1880s most whites were eligible to vote whilst most Africans in Transkei and rural locations were excluded.³³¹

The most dangerous period for these Cape “traditions”, according to Bickford-Smith, was the 1890s. Here the number of black voters was reduced following the abolishment of the “plumping system” and the recording of each voter’s race. However during the Jameson Raid tensions between Afrikaners and the English rose and Rhodes became so desperate for votes that he was prepared to admit black members, albeit to separate “B” branches. This ultimately even affected Rhodes’ electoral dictum which he changed to include “equal rights for all civilised men” and opposed to “for all white men”.³³² These conditions also manifested in economic spheres at the Colony, especially during the mid-19th century, and as rape peril theory suggests, this too affected rape reporting trends.

What is evident regarding the peak reporting period of 1855-1865 is that following the emancipation of slaves there was an increase in those willing to accept the discipline imposed by the missionaries. Prior to this peak the population of missions in the Western Cape doubled. What is of importance is that areas such as Caledon and Swellendam, and to a lesser extent Stellenbosch and the other Cape districts, were home to a number of these stations. Although, according to Ross, these mission stations could not support the hundreds of ex-slaves who came to them, they could provide a house and vegetable garden and at times employment. The stations in these districts also provided security from farmers.³³³ This movement to the districts

³³¹ V. Bickford – Smith: “South African Urban History, Racial Segregation and the Unique Case of Cape Town?”, *Journal of Southern African Studies*, 21(1), March 1995, p. 69.

³³² *Ibid.*, p. 70.

³³³ R. Ross: “Emancipations and the economy of the Cape colony”, *Slavery and Abolition*, 14(1), 1993, p. 143.

not only explains an increase in population in these areas but also the proportionate increase in reported crimes such as rape.

The movement of this class coupled with the newfound lack of control of this class would have resulted in fears amongst the settler population. It has already been suggested that periods of economic depression resulted in increased competition between the different racial groups. This increased competition along with white women's behaviour towards black men in domestic work, according to historian Jeremy Martens, undermined the position of white men. These conditions have been suggested to lead to rape scares, such as the 1886 Natal scare, where white men tried to reassert their dominance over both black men and white women.³³⁴ It is then possible that the peak in reported rapes during 1855-1865, which coincided with an economic depression, was indicative of a rape scare at the Cape.

A shift in the population of the Cape could also be reflective of these increased tensions evident during a rape scare. Historian Charles van Onselen suggests that rape scares and this "collective sexual hysteria" were linked to unrest between white and black working classes at the Witwatersrand between 1890-1914.³³⁵ According to academics Harold Jack Simons and Ray Esther Simons following the discovery of diamonds and gold in the country, there was a large movement of artisans, clerks, farm workers and men without any particular special skills to South Africa. The population at the Cape increased from 260 000 in 1865 to 634 000 in 1891. What is of significance is that along with this importation of labour came the importation of white men's need to control black men. These white working-class men, who were used to positions of authority, feared their black competitors.³³⁶ Added to this, the post-emancipation period at the Cape, according to Ross, divided the rural working class. Here, following the movement to mission stations, this class became divided into those tied to farms and those who experienced "relative freedom" through the stations. These two groups grew to experience differences in both economic and cultural terms. Those who had moved to the mission stations were afforded opportunities of education which led to the formation of classes like the "Cape

³³⁴ J. Martens: "Settler Homes, Manhood and 'Houseboys': an Analysis of Natal's Rape Scare of 1886", *Journal of Southern African Studies*, 28(2), 2002, pp. 379-400.

³³⁵ C. van Onselen: "The Witches of Suburbia: Domestic Service on the Witwatersrand 1890-1914", *Studies in the Social and Economic History of the Witwatersrand, 1890-1914*, 1982, pp. 45-54.

³³⁶ H.J and R.E Simons: *Class and Colour in South Africa 1850-1950* (Middlesex, England: Penguin Books Ltd., 1969), p. 32.

Coloured' elite". Those who stayed on the farms remained in a cycle of debt and alcohol addiction.³³⁷ Cilliers too suggests that there was a rise in the professional, skilled and semi-skilled classes following the emancipation of slaves.³³⁸ The growth of the middle classes along with the tensions experienced within certain classes could be indicative of fears between these classes. Shifts in population at the Cape along with the economic turmoil at the Cape and the fears that followed could explain why districts saw an increase in reported rapes.

What one is confronted with here is a correlation of moral panics based on race and class as well as a hardening Cape liberal society shifting from class-based conflict towards racial distinctions towards the turn of the 20th century. By the mid-19th century, the Cape districts found itself at a crossroads in every sense. Geographically and ideologically, it was confronted with a barrage of changing legislation, judicial procedures, populations, work demographics and political battles in which new arrivals brought their British ways of being to local populations desperate to leave the British influence of Cape Town. Crais too confirms this "state of deep and protracted crisis".³³⁹ In order to fully probe this notion of a rural rape scare, however, more attention should be given to the demographics of the men committing these crimes, as will be investigated in Chapter 3.

2.5 Chapter Conclusions

Clearly, Britain and its colonies had a variety of different definitions of rape. This meant that rape became open to interpretation, especially by the presiding judges. In the metropole, and British India too this affected the reporting of rape. In the Cape colony this also meant that on the whole there was negligible reporting of rape. As in the British Empire, rape at the Cape was affected by changes in legislation and adapting to local peculiarities. At the Cape, it is clear that Sir G. Lowry Cole and the subsequent establishment of the district courts was motivated by the high prevalence of unregulated sexual crime. The highest levels of rapes reported in the districts from 1827 testify to this point. This would suggest the need to further investigate the men in these crimes, as will be analysed in chapter 3.

³³⁷ R. Ross: "Emancipations and the economy of the Cape colony", *Slavery and Abolition*, 14(1), 1993, p. 145.

³³⁸ *Ibid.*, p. 95.

³³⁹ C. C. Crais: *White Supremacy and black resistance in pre-industrial South Africa: The making of the colonial order in the Eastern Cape, 1770-1865* (Cambridge: Cambridge University Press, 1992), p. 4

It also suggests that large numbers of crimes went unreported. This was alleviated by some rights being given to the lower classes as seen in the Masters and Servants Act. It provided more outlets for these crimes to be reported. It also calls into question the skewed statistics seen in the Cape court prior to 1827. This clearly insinuates that rapes were underreported but no doubt prevalent prior to 1827. Reporting was clearly inhibited by the location and status of the victim and perpetrator. This supports many arguments made about rape reporting. It is clear that the surviving rape records are just the tip of the iceberg. The reporting of the rape depended on the social position of the victim and the perpetrator.

Coupled with this the Cape was clearly confused with how to classify people.³⁴⁰ These surviving cases cannot and do not reflect the real state of rape as they rely on effective reporting mechanisms. While contemporary themes suggest that the colonial state was inadequate in harbouring reports – clearly efforts were made by the state to rectify this. This is evident in the colony of India too. Conviction rates would support this. It should not be overstated that the state wanted to eradicate rape. Accusations were largely spurred on by the patriarchal men in protecting white women and children – as will be reflected upon in chapter 4. Concerns over false accusations and physical proof of rape are apparent through the British Empire. Nevertheless, this chapter argues that despite the patterns reflection in the secondary literature the 19th century Cape was a society concerned with class rather than race, which is also reflective of the British colonies during this period. The classes clearly impacted who appeared in surviving rape cases as the accused and as victims. This also affected how the white male and upper-class jury handled the accusations and sentencing. In this, certain unusual trends have suggested an increased reporting of rape, with somewhat limited conviction rates to follow, indicative a greater moral issue unfolding at the Cape. Economic competition in a “colony-in-a-colony”, or the rural areas of the Cape, would suggest that this period of heightened sensitivity might indeed reflect a moral panic in which class played a central role not only in reporting of rapes but also in the conviction of rapists. It is here that Scully’s observation that “sexuality, race, gender and class become referents for one another”,³⁴¹

³⁴⁰ See for example: R. Shell: “Tender Ties and the Slave Household, 1652- 1834”, *Collective Seminar Papers: The Societies of Southern Africa in the Nineteenth and Twentieth Centuries*, 17, 1989, pp. 1-33 where Shell even introduces the idea of a race of slaves the *Afrikander*.

³⁴¹ P. Scully: “Rape, Race and Colonial Culture: The Sexual Politics of Identity in the 19th Century, Cape Colony, South Africa,” *The American Historical Review*, 100(2), 1995, p. 341.

becomes most pertinent. For this reason, Chapter 3 will provide details on who were the rapists and how were they punished.

Chapter 3

“Conventions and laws existed in order to rein in men’s natural rapaciousness”³⁴² :

Defining the Rapist and Determining What to Do with Him

Literature has suggested that there is an inter-connectedness between rape, class and sex in Britain and its colonies. Reference to race or to class is never made explicit in the court proceedings so much of the analysis is based on speculation. Evidence of race being systematically foreground in a rape case only becomes apparent from 1895.³⁴³ Considering this, the focus of this chapter is to determine who were the rapists in the Cape, through the evidence available, and how did the state deal with them, gauged through the various means of punishment meted out upon them. Did their occupation, and ironically this was at times defined in racial terms, have any impact on court procedure or sentencing practices? Further attention will also be given to those found not guilty. This chapter therefore provides much needed detail on both visible and invisible rapists from the 19th century Cape court records. It is of significance that this qualitative detail is only visible in more “unusual” cases of rape. This helps determine the most common types of rape during the period eliciting very little engagement on the part of the judiciary.

3.1 “All the nice girls like a sailor”: Respectable Men and the British Experience

In Britain, by the 19th century, rape was considered a serious offence. In the British county of Kent, during 1859-1890, it was often argued that a man’s respectability “rendered him incapable of committing rape or sexual assault”.³⁴⁴ Here, the class of a man clearly then defined if he was capable of being a rapist or not. Conley reveals that 31% of accused rapists who were described as “respectable” were convicted for an offence, and as few as 4% were convicted for the crime of rape.³⁴⁵ Conversely, men who were not regarded as “respectable”, like labourers and soldiers, were more likely to be convicted for rape. According to Conley, 58% of these men were convicted for an offence and 20% were convicted for rape.³⁴⁶ When middle class

³⁴² Adapted from J. Bourke: *Rape: A History from 1860 to the Present*,

³⁴³ The race of perpetrators is specified in the following cases: KAB Co 6971, the case of Filemon Mentor; KAB Co 6971, the case of Sandika and KAB Co 6974, the case of Peter Chimasie.

³⁴⁴ C. A. Conley: “Rape and Justice in Victorian England”, *Victorian Studies*, 29(4), 1986, p. 527.

³⁴⁵ *Ibid.*, p. 528.

³⁴⁶ *Ibid.*, p. 529.

men were accused of rape and the provided evidence was “too serious for the crime to be dismissed”, a lesser charge of indecent assault or attempted rape was passed.³⁴⁷ In the metropole, the occupation and therefore class of a man determined if he was “capable” of committing the act of rape or not. Similarly, these ideas framed what was to be done with these convicted rapists.

Kolsky explains that the punishment for rape in England was death until 1841 and “transportation for life” thereafter.³⁴⁸ Although there were clear consequences for the act of rape, the passing of this charge requires contemplation. For example, in the town of Kent, 81% of reported rape cases where the accused was not in the lower- class resulted in the lesser charge of attempted rape or indecent assault. The charge of “indecent assault” which was loosely defined as “an indecent assault on a female person” could only result in a maximum sentence of two years imprisonment. Furthermore, 31% of those convicted of this crime served less than six months.³⁴⁹ 65% of employers guilty of raping their servants were convicted on the lesser charge of indecent assault. Of those who were charged with rape, 50% were found not guilty and all but two were simply fined.³⁵⁰ Clearly, in this British town, the charge of rape was infrequent. However, the men who were convicted for rape in the 19th century Kent, received more severe sentences than those convicted for other crimes.³⁵¹ Between 1859-1880, 40 men were convicted for rape and all received sentences of at least five years.³⁵² In 19th century India, the proposed punishment for rape was imprisonment ranging between 2-14 years.³⁵³ Although in theory India, like the rest of the British Empire, saw harsh punishments for rape the focus appeared to be more on interrogating false claims and protecting the accused.³⁵⁴

Perpetrators, in the British Empire, were then categorised around notions of their class. Specifically, men of a so-called respectable nature were “unlikely” to have rapist-instincts

³⁴⁷ C. A. Conley: “Rape and Justice in Victorian England”, *Victorian Studies*, 29(4), 1986, p p. 523.

³⁴⁸ E. Kolsky: “The Rule of Colonial Indifference: Rape on Trial in Early Colonial Indifference: Rape on Trial in Early Colonial India, 1805-57”, *The Journal of Asian Studies*, 69(4), November 2010, p. 1099.

³⁴⁹ C. A. Conley: “Rape and Justice in Victorian England”, *Victorian Studies*, 29(4), 1986, p. 523.

³⁵⁰ *Ibid.*, p. 526.

³⁵¹ *Ibid.*, p. 525.

³⁵² *Ibid.*

³⁵³ E. Kolsky: “The Rule of Colonial Indifference: Rape on Trial in Early Colonial Indifference: Rape on Trial in Early Colonial India, 1805-57”, *The Journal of Asian Studies*, 69(4), November 2010, p. 1099.

³⁵⁴ *Ibid.*, p. 523.

while the lower classes were naturally prone to debauched activity. These stereotypes affected the charge, the likeness of the conviction and the severity of the sentence. It becomes clear through this “British Experience” and existing literature on South Africa, as discussed in Chapter 1, that lower-class men (who were assumed to be black) were more likely to rape. White men, on the other hand, were perceived to only rape black women in the absence of white women. White rapists’ crimes were justifiable whereas black rapists raped due to biological and social evolutionary factors.³⁵⁵ Black men were regarded as biologically different, uncivilized and hyper-sexual.³⁵⁶ They also received the harshest sentences.³⁵⁷

Existing literature on rapists at the Cape suggest that between 1831 and 1865, 81% of rapists were labourers and that 84% of cases involved black men.³⁵⁸ A more conservative estimate has been made in this dissertation at 53,6% based on Cape Supreme Court cases for the period 1831-1865 in which 37 of the 69 rapists were identified as labourers.³⁵⁹ It has also proven quite difficult to ascertain the race of these perpetrators as it is not made explicit in the records. As discussed in previous chapters, racial classification was in a state of transition during the 19th century. Rape cases that were reviewed by the Supreme Court in Cape Town were more likely to make specific references to the race of both victim and suspected perpetrator. The only definable features visible in the judicial proceedings are the occupations of these suspected

³⁵⁵ C. Fransch: “...wood carved by the knife of circumstance”: Cape Rapists and Rape in South Africa, c.1910-1980”, joint PhD (Stellenbosch University and Vrije Universiteit Amsterdam), December 2016, p. 43.

³⁵⁶ D. Lewis: Representing African Sexualities” in S. Tamale: *African Sexualities: A Reader*, pp. 199-206.

³⁵⁷ R. Elphick & R. Shell: *Intergroup relations: Khoikhoi, settlers, slaves and free blacks, 1652-1795*, p. 116.

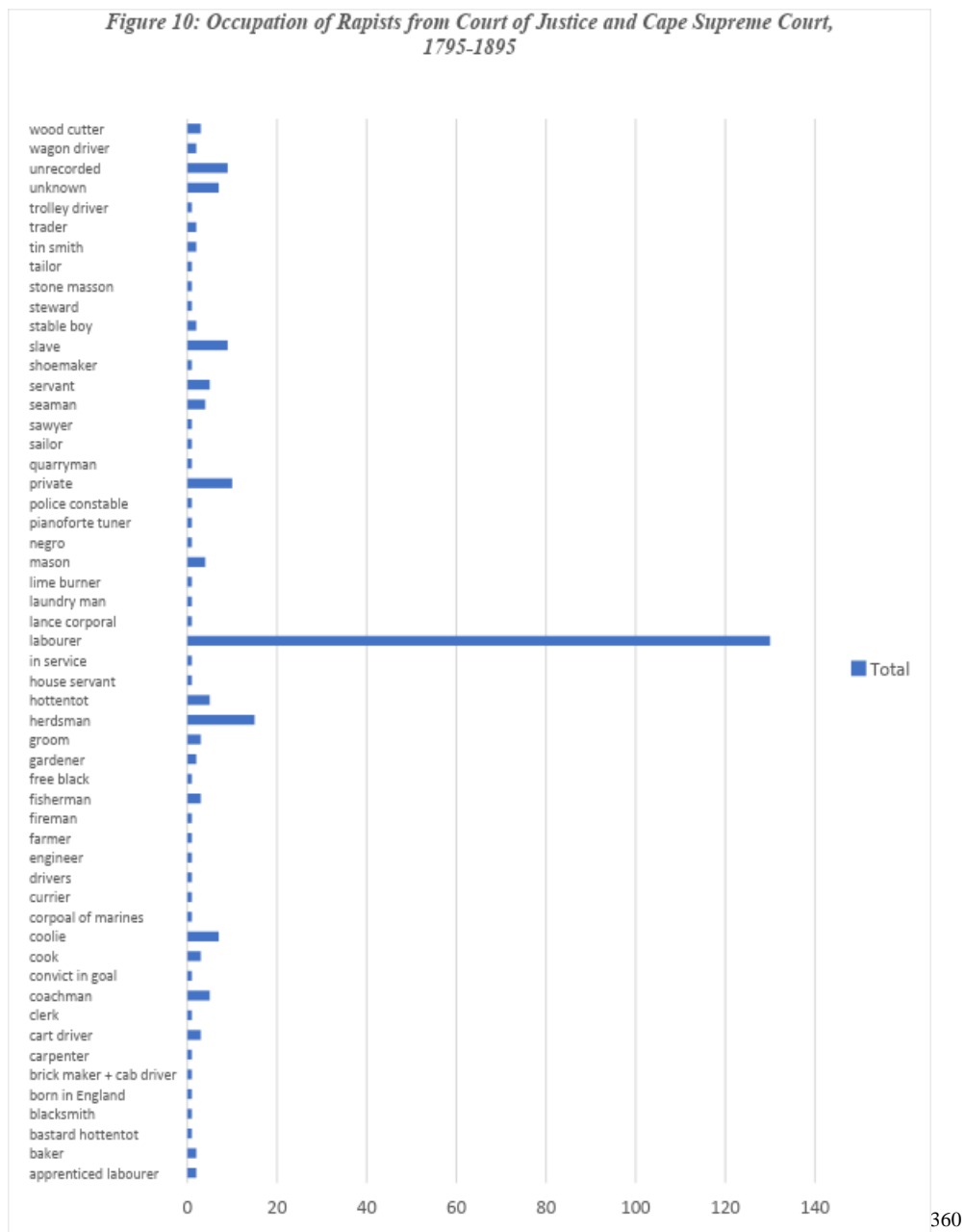
³⁵⁸ P. Scully: “Rape, Race and Colonial Culture: The Sexual Politics of Identity in the 19th Century, Cape Colony, South Africa,” *The American Historical Review*, 100(2),1995, p. 352.

³⁵⁹ This statistic is due to 37 of the 69 rape cases during this time frame being committed by labourers. The cases used for this study are as follows: , KAB CSC 1/1/1/4, no.11, KAB CSC 1/1/1/5, no.8, KAB CSC 1/1/1/4, no.6, KAB CSC 1/1/1/7, no.8, KAB CSC 1/1/1/7, no.1, KAB CSC 1/1/1/8, no.4, KAB CSC 1/1/1/9, no.8, KAB CSC 1/1/1/9, no.3., KAB CSC 1/1/1/9, no.7, KAB CSC 1/1/1/9, no.3, KAB CSC 1/1/1/9, no.11, KAB CSC 1/1/1/9, no.12, KAB CSC 1/1/1/10, no.2, KAB CSC 1/1/1/10,no.2,KAB CSC 1/1/1/10, Hamet, KAB CSC 1/1/1/10, no.3, KAB CSC 1/1/1/10, no.1, KAB CSC 1/1/1/11, no.6, KAB CSC 1/1/1/11, Azor,KAB CSC 1/1/1/11, Joseph and Piet, KAB CSC 1/1/1/11, no.5, KAB CSC 1/1/1/12, no.9, KAB CSC 1/1/1/12, no. 11, KAB CSC 1/1/1/12, no.10, KAB CSC 1/1/1/12, no.8, KAB CSC 1/1/1/13, no.6, KAB CSC 1/1/1/13, no.5, KAB CSC 1/1/1/13, no.5, KAB CSC 1/1/1/13, no.1, KAB CSC 1/1/1/13, no.2, KAB CSC 1/1/1/14, no.2, KAB CSC 1/1/1/14, no.13, KAB CSC 1/1/1/15, no.2, KAB CSC 1/1/1/16, no.7, KAB CSC 1/1/1/16, no.8, KAB CSC 1/1/1/16, no.7, KAB CSC 1/1/1/16, no.6, KAB CSC 1/1/1/16, no.12, KAB CSC 1/1/1/16, no.3, KAB CSC 1/1/1/16, no.9, KAB CSC 1/1/1/16, no.6, KAB CSC 1/1/1/16, no.1, KAB CSC 1/1/1/16, no.7, KAB CSC 1/1/1/17, no.4, KAB CSC 1/1/1/17, no.7, KAB CSC 1/1/1/17, no.4, KAB CSC 1/1/1/17, no.3, KAB CSC 1/1/1/17, no.3, KAB CSC 1/1/1/17, no.9, KAB CSC 1/1/1/17, no.2, KAB CSC 1/1/1/17, no.4, KAB CSC 1/1/1/18, no.9, KAB CSC 1/1/1/18, no.14, KAB CSC 1/1/1/18, no.3, KAB CSC 1/1/1/18, no.2, KAB CSC 1/1/1/18, no.6, KAB CSC 1/1/1/18, no.6, KAB CSC 1/1/1/18, no.15, KAB CSC 1/1/1/18, no.7, KAB CSC 1/1/1/18, no.13, KAB CSC 1/1/1/19, no.2, KAB CSC 1/1/1/19, no.8, KAB CSC 1/1/1/19, no.21, KAB CSC 1/1/1/19, no.8, KAB CSC 1/1/1/19, no.10, KAB CSC 1/1/1/19, no.11, KAB CSC 1/1/1/19, no.5, KAB CSC 1/1/1/19, no.8, KAB CSC 1/1/1/19, no.14, KAB CSC 1/1/1/20, no.15, KAB CSC 1/1/1/20, no.12, KAB CSC 1/1/1/20, no.6 and KAB CSC 1/1/1/20, no.26.

felons. In order to fully discuss definable categories of rapists and non-rapists, attention will be directed towards the Court records.

3.2 Rapists at the Cape

3.2.1 The Court of Justice and Cape Supreme Court



³⁶⁰ For the cases used for this statistic, see Appendix A: 7.1.

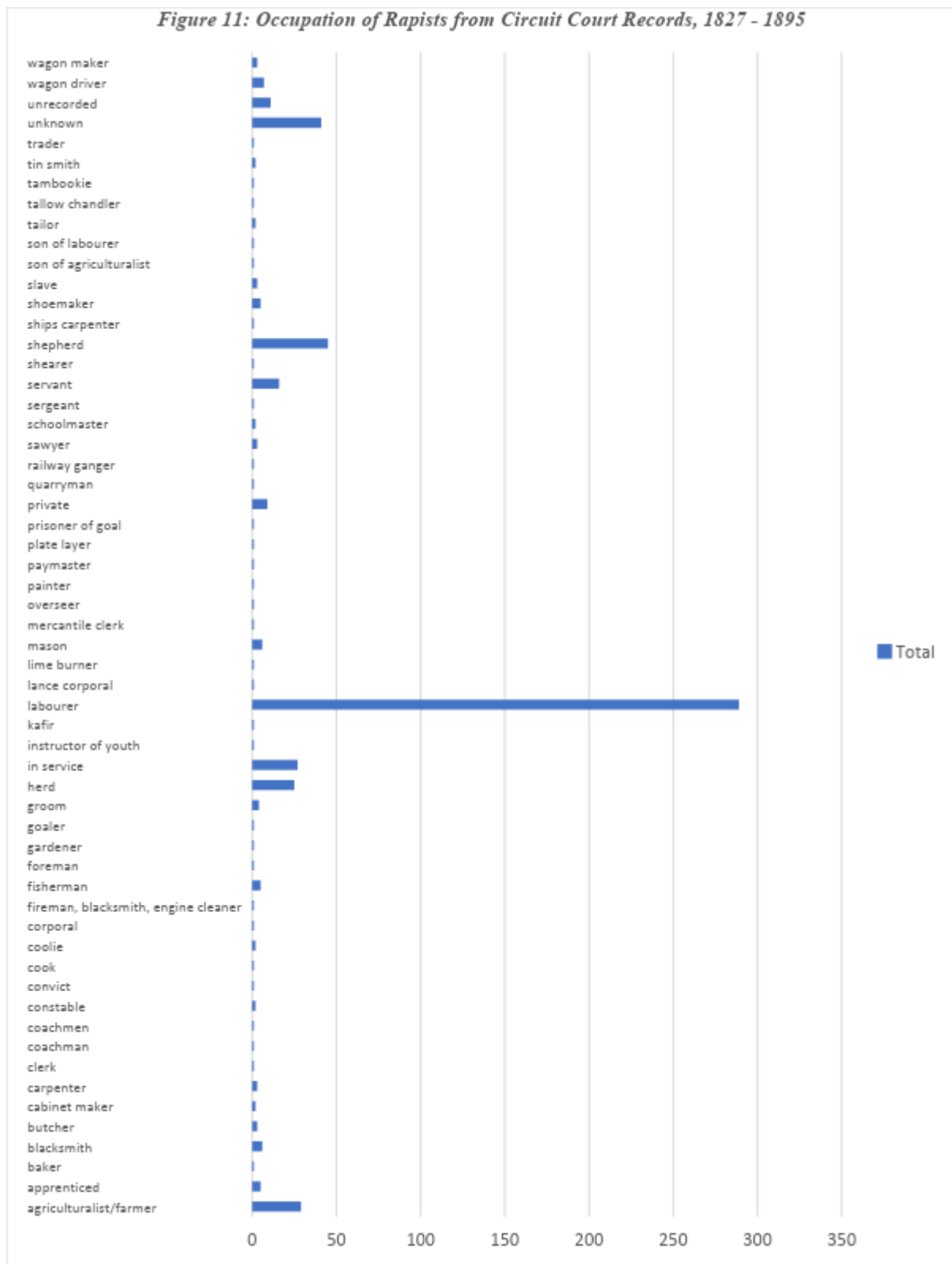
Through the Court of Justice and Supreme Court records it is evident that scant reference is made to specific racial groups such as slaves and Hottentots.³⁶¹ These were not, however, the main perpetrators of rape. From the 1830s through to the 1890s the most prevalent occupation of rapists at the Cape was labourers. In comparison to this, there is only one case of a farmer being accused of rape in 1894, where he was found not guilty.³⁶² One case in which the racial profile of the rapist can be assumed is that of Robert Gee recorded that around the 19th of August 1829. The 23 year old English man, came across a Hottentot girl by the name of Elsje. Elsje, was around 10 years old, was looking after some children at noon that day. Gee began to run after her. Naturally frightened, Elsje tried to run away but to no avail. The two young accompanying children, Hendrick and Samuel, ran home and told their mother of the assault. Gee argued that he and Elsje had previously spoken and that on more than one occasion she had agreed to sleep with him. Despite this on the 3rd of October 1829, the Court of Justice sentenced him to be severely scourged with rods on the bare back and banished to Robben Island for life.³⁶³

³⁶¹ For a breakdown of occupations of rapists per year, see Appendix: B.

³⁶² Although associations have been made between farmers and the upper class it is dangerous to link certain races, classes and occupations without proof. Not all labourers were black and not all farmers were white upper class men.

³⁶³ KAB CJ 814, pp. 447-455, Robert Gee, 1829.

3.2.2 Circuit Courts, 1827-1895



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³⁶⁴ The cases used to form this statistic are located in Appendix A: 7.2.

The Circuit Court records, from the early 19th century record labourers as the most prevalent group of rapists, and by the 1830s one can see a varied prevalence of rapist occupations. This can be explained by this period seeing the Circuit Courts establishing order. The dispersion and resettling of certain groups of people also requires consideration. However, like the Court of Justice and Supreme Court records, from the 1840s the most prevalent occupation of rapists recorded at the Cape was labourers. Although during the 1850s-1870s there was an increase in farmers who were recorded as rapists, the majority of rapists were recorded to be labourers until the 1890s. This corroborates both existing British colonial literature and sporadic literature on the Cape that suggests that high percentages of men charged with rape were labourers.³⁶⁵ The low incidence rates of occupations such as farmers/agriculturalists occurring in these records, in comparison to the various occupations forming the middle and lower classes, could be explained by existing theories such as the work of Scully.³⁶⁶ Here it is rationalized that rapes by white men were unreported due to issues such as honour and respectability.³⁶⁷ Additionally, as the Cape was ruled by an extremely patriarchal society during this period and the courts were ruled by white men, the recorded rape cases would no doubt have reflected this.³⁶⁸

3.2.3 The Inherent Rapist of the Lower Classes ?

It is then clear that from the 1830s through to the 1890s the most prevalent reported occupation of rapists in the Court of Justice and Supreme Court records was labourers. This identifies the trend of labourers being the most likely perpetrators of rape, corroborating existing literature on who was most likely to appear in the court records as rapists. Despite the fact that there is one case of a farmer being accused of rape in 1894, he was found not guilty. Other perpetrators of rape include slaves and Hottentots. The reporting of mainly labourers, coupled with slaves and Hottentots as rapists, is further evidence of the preoccupation with class in the Cape colony

³⁶⁵ P. Scully: "Rape, Race and Colonial Culture: The Sexual Politics of Identity in the 19th Century, Cape Colony, South Africa," *The American Historical Review*, 100(2), 1995, p. 348.

³⁶⁶ This theory only explains these incidences of rape if occupations such as farmers are linked to a certain race and class. As the available court records only specified the occupation of the rapist the race and class assigned to this person was difficult to ascertain.

³⁶⁷ P. Scully: *Liberating the Family? Gender and British Slave Emancipation in the Rural Western Cape, South Africa, 1823-1853*, pp. 165 -167.

³⁶⁸ J. Murray: "Gender and Violence in Cape Slave Narrative and Post Narrative," *South African Historical Journal*, 62(3), 2010, p. 450.

during this period. Similarly, the Circuit Court records that from the 1840s the most prevalent occupation of rapists recorded at the Cape was labourers.

It is then evident that it was mainly men of the lower class that were considered rapists. This provides empirical evidence to existing theories. Historian Wayne Dooling, for example, confirms that colonial law at the Cape saw a legal system where “matters of honour and individual reputation were more important than actual deeds”.³⁶⁹ These stereotypes not only affected who appeared in the records as rapists but also conviction rates and sentences delivered. It will then be of importance to further investigate these men of the lower class, beginning with slave men.

3.2.3.1 The Slave-Rapist, 1795-1838

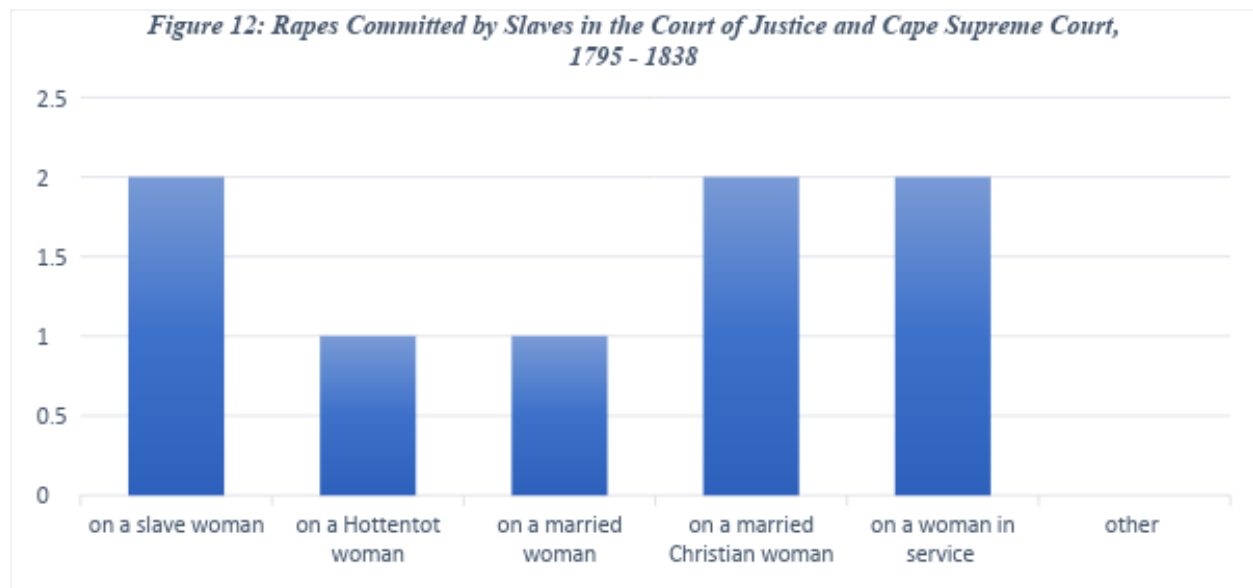
This section will now investigate statistics on rapes committed by slaves. Here it is important to consider theories on brutalising environments and rape as power.³⁷⁰ These men, were argued to have learnt to rape through observing aggressive behaviour towards women and therefore coming to associate sexuality and violence.³⁷¹ In addition to this, these slave men lived in environments where they were often separated from their families, unable to locate a willing sexual partner and were then argued to resort to sexual violence. Specifically, this data will reveal the most frequent occupations of victims of these rapists. This data will reveal: who was most likely to be raped by a slave during this period and who would submit to what was clearly a rapable offence but because of race, class, position in society – they were largely neglected or even ignored. It was their duty to satisfy these men.

³⁶⁹ W. Dooling: *Slavery, Emancipation and Colonial Rule in South Africa* (South Africa: University of Kwazulu-Natal Press, 2007), p. 17.

³⁷⁰ See for example: N. Malamuth, R. Sockloskie, M. Koss & J. Tanaka: “Characteristics of aggressors against women: testing a model using a national sample of college students”, *Journal of Consulting and Clinical Psychology*, 59, 1991, pp. 670–681; N. Malamuth, D. Linz, C. Heavey, G. Barnes & M. Acker: “Using the confluence model of sexual aggression to predict men's conflict with women: a 10 year follow up study”, *Journal of Personality & Social Psychology*, 69, 1995, pp. 353–369; N. Malamuth: “Criminal and non-criminal sexual aggressors. Integrating psychopathy in a hierarchical-mediational confluence model”, *Annals of the New York Academy of Science*, 989, 2003, pp. 33–58.

³⁷¹ For example: M. R. Burt: “Cultural myths and supports for rape”, *Journal of Personality and Social Psychology*, 38, 1980, pp. 217-230.

3.2.3.1.1 Slave Rapists in the Court of Justice and the Supreme Court, 1795-1838



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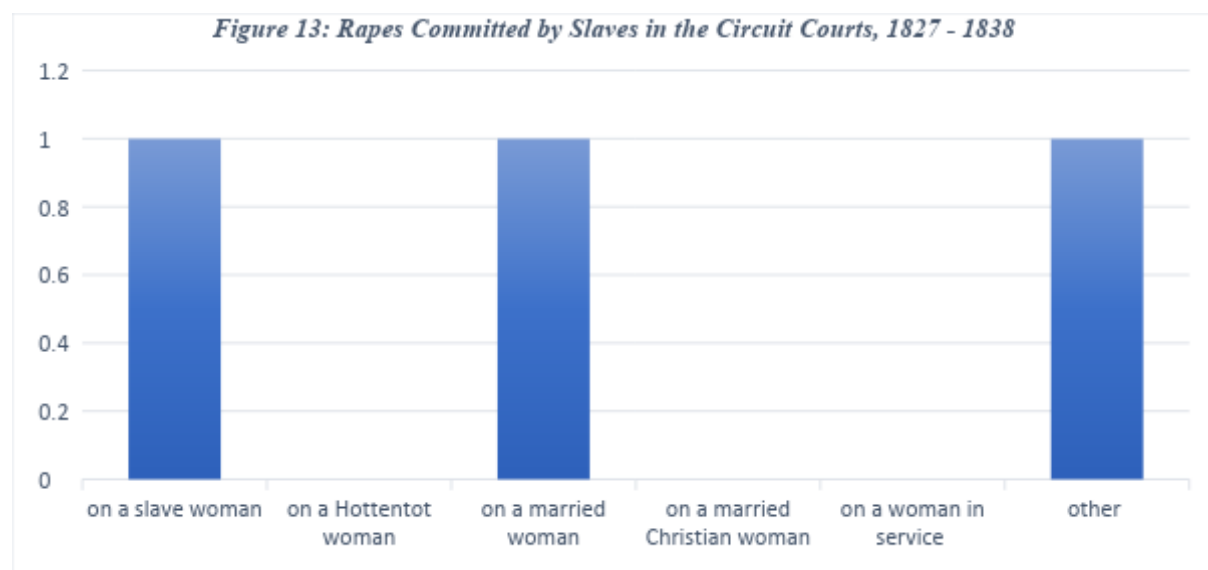
From the Court of Justice and Supreme Court records it is evident that the groups that were raped the most by male slaves were female slaves, married Christian women and women in service. For each of these categories recorded there are two cases of rape. The significance of slave women, married Christian women and women in service yielding the highest rates of rape by slaves can be considered in terms of who slave males were exposed to and which categories of women were considered important by the court – that is which rape victims were most “deserving” of the court’s protection. The rape of a married Christian women occurring frequently under rapes committed by slaves could be explained by the court “protecting” “moral and religious” married women and girls who were not yet old enough to be married.³⁷³ As these specific married women were identified as Christian, this would make them even more “moral” in the eyes of the court and Cape society. This factor could imply that these rape crimes were more likely to be reported as this type of crime was considered so atrocious. Regarding the rape of slave women, the presence of these rapes does disprove some existing literature which states that the court was not concerned with protecting the lower class. According to this logic the rape of slaves would not have been a priority for the court, therefore influencing the

³⁷² This specific time-period was selected as 1838 saw the end of Apprenticeship. This graph only includes the 9 identified rape cases where the rapist was identified as a slave. The graph serves to illustrate the victims of the slave rapist. This can be evaluated in terms of global and local literature on the fear of slaves stealing the possessions of the white man. The cases included in this statistic are – KAB CJ 797, p. 409, KAB CJ 798, p. 85, KAB CJ798, p.249, KAB CJ809, no.25, KAB CJ809, no.28, KAB SCS 1/1/1/3, Adonis, KAB SCS 1/1/1/4, no.11, KAB SCS 1/1/1/5, no.8 and KAB SCS 1/1/1/7, no.8.

³⁷³ R. Ross: *Beyond the Pale: Essays on the History of Colonial South Africa*, 1993, p. 160.

frequency of its reporting. A possible explanation for the rape of slaves having such a high incidence rate in terms of rape committed by slaves and therefore being so highly recorded is the notion of theft. Rape cases during this period often resembled cases of theft, this stemming from the view that women were possessions.³⁷⁴ “Women in service” held a similar position in society to that of slaves. It would also then be expected, according to literature, that these women were not a priority of the court. However, they were most likely also regarded as possessions. Slaves, women in service and married Christian women were considered possessions by the white man, in terms of “property” which they had invested in and which raised their status and also through which they were ensured a continuation of racial purity (this applies specifically to Christian white women).³⁷⁵ This notion of property could be linked to the white fear of “natives” stealing their “property” in the form of white wives. As the court consisted of white males, this could be an explanation as to why the rape or damage of a slave, servant or white woman was such a serious crime at the Cape.

3.2.3.1.2 Slave Rapists in the Circuit Courts, 1827-1838



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³⁷⁴ R. Elphick & H. Giliomee (ed.): *The Shaping of South African Society: 1652-1820*, 1989, pp. 98-101.

³⁷⁵ *Ibid.*

³⁷⁶ This data is captured from the 1827 only as this is when the Circuit Courts were first established. This graph serves to compare rape trends in the Circuit court to that of the Court of Justice and Cape Supreme Court. This graph again illustrates the victims of the slave rapist. The cases included in this statistic are KAB CSC 1/2/1/8, no.11, KAB CSC 1/2/1/11, no.10 and KAB CSC 1/2/1/11, no.9 (where the slave is accused of raping the daughter of a woodcutter). These are the only three cases recorded in the Circuit Court Records and occur in Worcester, Stellenbosch and Uitenhagen.

Through the Circuit Court records it is first revealed that only three male slaves were accused of rape, as opposed to eight in the urban courts. Here their victims were: a slave woman, a married woman and the daughter of a woodcutter (classified as “other”). Again, here it is important to consider that women and slaves were considered possessions during this period. These categories in returning the highest rates of rape by slaves can again be considered in terms of who slave males were exposed to and which categories of women were considered important by the court – that is which rape victims were most “deserving” of the court’s protection. The crime of raping a married woman occurring frequently under rapes committed by slaves could be explained by the court “protecting” “moral and religious” married women and girls who were not yet old enough to be married.³⁷⁷ In terms of the one case of a slave raping the daughter of a woodcutter, this argument is pertinent. Here the rape victim could possibly have been a girl who was not yet marriageable. This would confirm that she was “deserving” of the court’s protection. This “protection” could infer that these crimes of rape were more likely to be reported as this type of crime was considered so serious.

When considering the rape of slave women, the high incidence of this rape does refute some existing literature where asserts that the court was not concerned with protecting the lower class. This category, being a part of the lower class in the colonial Cape, according to this reasoning would not have been a priority to the court, therefore limiting the frequency of its reporting.³⁷⁸

These stereotypes shaped who was considered a rapist as suggested by British notions of rape. Similarly, these notions affected who could be raped. The perception of respectability will be discussed further in Chapter 4. There is also the very nature of the criminal procedure in rape cases which requires consideration. Here the question of culpability and forced confessions should be foreground.

³⁷⁷ R. Ross: *Beyond the Pale: Essays on the History of Colonial South Africa*, 1993, p. 160.

³⁷⁸ R. Elphick & H. Giliomee (ed.): *The Shaping of South African Society: 1652-1820*, 1989, pp. 98-101.

3.2.3.1.3 Confessions and Convictions

The first British rule (1795-1803) and the Batavian Republic occupation saw similar trends of confessions and convictions. This is most likely due to the brief occupation of the Cape by the Batavian Republic and therefore the lack of substantial changes in the judiciary were implemented.

Under the first British occupation, “free confessions” was a common practice. Two of the three reported rape cases during this period refer to “voluntarily confessions”. Through the case of Paul of Mozambique it is recorded that he “voluntarily confessed” to his crime of raping and murdering Jannetjie.³⁷⁹ Paul of Mozambique was a 25-year-old slave of Hendrik Hulder. One Saturday afternoon in January of 1798, Paul went hunting for the 16 year-old “Hottentot maid”, Jannetjie. He wandered down the road, passing a fellow slave August, and eventually found his victim at the edge of a river. His advances were met with resistance and so, frustrated, he decided to force himself upon her. She resisted and even threatened to report him to her master, Roelof van der Merwe. Despite Jannetjie’s cries and struggles, Paul viciously raped her. The attack was so brutal that it was only after he had finished with her, that he realised that he had throttled her to death in the process. He fled back to his home, leaving her lifeless body in a nearby field. Two days later, her body was found and Paul was arrested. Paul supposedly “voluntarily confessed” to the crime. He pleaded for mercy insisting that he was intoxicated at the time. On 7 August 1798, eight months after the rape and murder, Paul was sentenced. He was flogged with rods on his bare back, burnt and then put in irons for the rest of his life to work in the common works.³⁸⁰

The case of Isaak of the Cape also records a “free confession” in terms of Isaak’s crime of raping and murdering Alima.³⁸¹ Isaak was a 25-year-old slave who belonged to a well-respected physician, Christopher Coenraad. On the evening of the 14th of December 1799, a fellow slave named Pedro asked Isaak if he would accompany his wife, Alima, on a trip to Cape Town as he was concerned for her safety. During the early hours of the following morning, Isaak and Alima set out on their journey to the Cape, where Isaak began to make

³⁷⁹ KAB CJ 797, case 409, Paul of Mozambique, 1798.

³⁸⁰ KAB CJ 797, case 409, Paul of Mozambique, 1798.

³⁸¹ KAB CJ 789, Isaak of the Cape, p. 85, 1800.

sexual advances towards Alima. Alima allegedly refused because she was married which frustrated Isaak and he attempted to rape her.³⁸² Alima, however had concealed upon her person, a pocket knife which she used to lash out at him. This furthered angered her assailant and he in turn produced a blade and stabbed her several times causing her death. Realising what he had done, Isaak discarded the blade, abandoned her body and continued on his way to the Cape. He crossed paths with another slave, November, who found Alima's body further up the road. Isaak was arrested the next day. He too supposedly "freely confessed" to the crime. He pleaded with the court by saying that he was so frustrated and angered by her refusal, that he became hopelessly confused. Isaak was sentenced on 9 January 1800 to be hung until he was declared dead. His body was then to be displayed in the place where all executions were exhibited and to remain there until it was fully consumed by "both the air and birds".³⁸³

Despite the contention of existing literature, "voluntary confessions" were still occurring. Here a connection can be drawn between these two cases in that both involved both the murder and rape of a woman. According to the work of Ross it was necessary for the accused to "admit" to being guilty in order to successfully convict the accused.³⁸⁴ Thus the notion was primarily used when the case also involved murder. Free confessions, however, no doubt included physical coercion and submission on the part of the accused. Here, one questions the validity of the conviction.

During the Batavian Republic rule, Caprice of Madagascar and "Hottentot" Jan Boorg were charged. In this first peculiar case, Caprice, owned by Casparus Gronewald, was doing some carpentry work at the house of Reenhardt, a widow, in Long Street, Cape Town on the 21st of July 1805. Caprice curiously asked the slave-girl Silvie to comb his hair, to which she agreed. For some reason, Caprice felt that she was not being gentle with him and flew into a rage. He purposely dropped a shilling which he was pretending to give to Silvie. When she bent down to pick up the coin, Caprice pulled out a knife and began to stab Silvie. In the scuffle, he also injured her three-year-old child Tuma. He went into the main house and gave himself up as a prisoner. According to the court he "freely confessed" to his crimes of attacking a slave woman.

³⁸²The existing stereotypes of slave women being sexual could be reason as to why Isaak felt that his advances would be well received by Alima.

³⁸³ KAB CJ 798, Isaak of the Cape, p. 85, 1800.

³⁸⁴ R. Ross: *Beyond the Pale: Essays on the History of Colonial South Africa*, 1993, p. 164.

He was brought before the court and justified his actions by pleading intoxication. He was sentenced in the Court of Justice to be severely flogged, branded on his back and put to work in the public works for 10 years. This sentence was delivered in February 1806.³⁸⁵

The case of Jan Boorg, who was 40 years old, records that he had an altercation with a “Hottentot” woman whose name is not recorded. This quarrel was over the issue of cattle. This argument then escalated to violence and Jan began brutally whipping the woman with a double whip. Another “Hottentot” by the name of Christian was witness to this crime and approached Jan. Christian confronted Jan about his ill-treatment of the woman. However, the confrontation did not deter Jan and the “Hottentot” woman subsequently died. Jan was reported to have “freely” confessed to his crimes of murdering a “Hottentot” woman. In his defence not only did he admit to being angry but also to being intoxicated at the time of the murder. He was sentenced to be severely flogged and then put in irons to work. This sentence was delivered on the 20th of December 1806.³⁸⁶ Therefore, it is evident that the Batavian Court of Justice was merely a continuation of the British rule. Furthermore, the works of Ross are challenged in that these cases serve as evidence of the British having never successfully abolished the use of torture to extract confessions from suspected parties.

These cases are evidence of labourers and men of the lower class appeared more frequently in the records as rapists. What is clear is that all of the men who “freely confessed” and were therefore tortured were of this class. Clearly existing stereotypes affected who could rape even when these accused men argued that they had not committed the crime. Torture was then used to ensure an admission of guilty. These cases fit stereotypes of certain non- “respectable” men being instinctual rapists. If some were prone to rape, others were not. Some of the lesser visible rapists will now be investigated.

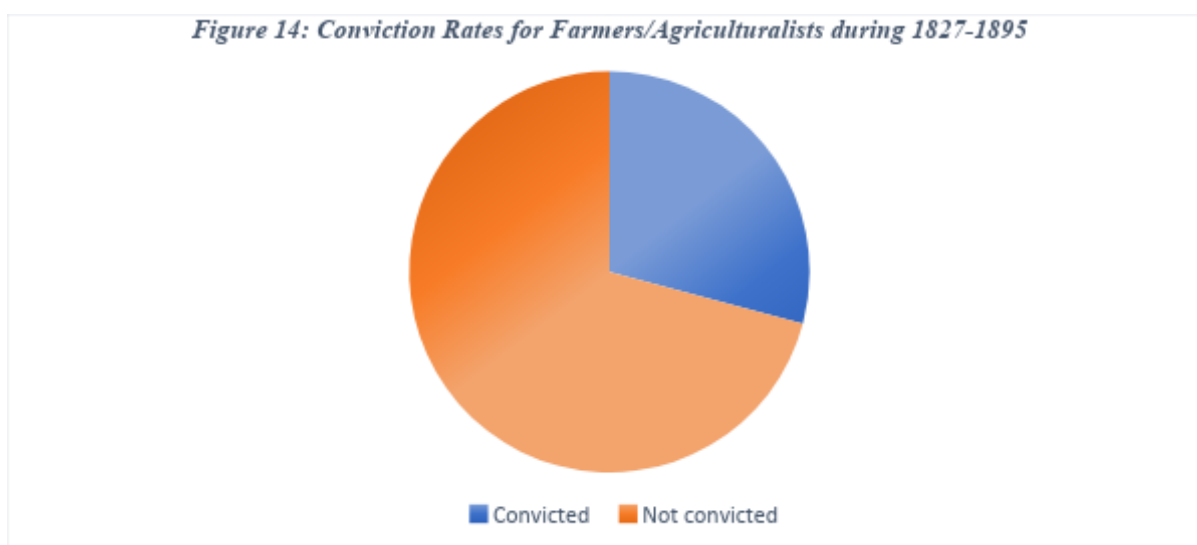
³⁸⁵ KAB CJ 801, *Caprice of Madagascar*, p. 24, 1806.

³⁸⁶ KAB CJ 801, “Hottentot” Jan Boorg, p. 338, 1806.

3.2.4 Rapists of a Rarer Breed

Through a systematic investigation into the court records for this period, it has become evident that the records were never explicit about certain occupations belonging to certain classes. What was evident was that certain occupations appeared in the records less frequently and they had a more lenient court procedure and final outcome. Agriculturalists and farmers were a rare breed in the rural courts.³⁸⁷ When they were charged with rape, the outcome differed quite substantially from the general trends seen in conviction rates, as presented in Chapter 2. It is here that explanations as to why conviction rates in district courts were substantially different compared to the Cape Town Supreme Court.

Figure 14: Conviction Rates for Farmers/Agriculturalists during 1827-1895



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After a systematic investigation into rural and urban courts for their period, it is evident that the Court of Justice and Supreme Court only referred to one case where a farmer was accused of raping a woman of an unknown occupation. He was found not guilty due to apparent consent of his victim and consequently discharged. This would mean that 1795- 1895 in the Court of Justice and Supreme Court records there was a 0% conviction rate of farmers or agriculturalists. In the Circuit Court records, 29 upper class men were accused of rape and only seven were

³⁸⁷ There is only 1 cases of a farmer being accused of rape in the urban courts, where he was found not guilty.

³⁸⁸ These records only begin in 1827 as this when the Circuit Courts were established. The Circuit Court, in comparison to the Cape Supreme Court, contains 24 cases where farmers/ agriculturalists were accused of rape. These 24 cases are as follows: KAB CSC 1/2/1/9, no.2, KAB CSC 1/2/1/10, no.7, KAB CSC 1/2/1/11, no.6, KAB CSC 1/2/1/13, no.15, KAB CSC 1/2/1/17, no.10, KAB CSC 1/2/1/22, no.35, KAB CSC 1/2/1/24, no.4, KAB CSC 1/2/1/25, no.17, KAB CSC 1/2/1/38, no.15, KAB CSC 1/2/1/41, no.12, KAB CSC 1/2/1/49, no.19, KAB CSC 1/2/1/59, no.6, KAB CSC 1/2/1/65, no.12, KAB CSC 1/2/1/66, no.11, KAB CSC 1/2/1/66, no.27, KAB CSC 1/2/1/67, no.1, KAB CSC 1/2/1/67, no.6, KAB CSC 1/2/1/68, no.15, KAB CSC 1/2/1/69, no.14, KAB CSC 1/2/1/71, no.1, KAB CSC 1/2/1/84, Patrick, KAB CSC 1/2/1/87, no.1, KAB CSC 1/2/1/106, no.10 and KAB CSC 1/2/1/115, no.8. Of these cases, only 7 resulted in a successful conviction.

convicted. This meant that there was only a 29% conviction rate. The minor amount of rapes by farmers reported as well as the trifling amount eventually found guilty requires explanation.

These men were in a position of power. They were the more affluent society of the rural districts and their brethren sat on the very juries which decided their fate. This is corroborated by Fransch, who confirms that the courts of the Cape were both patriarchal and white.³⁸⁹ Upham also confirms that white men were protected from being prosecuted for rape.³⁹⁰ Furthermore, rapes by these men were also less likely to be reported. According to Scully white women often did not report their rapes as the crime was most often committed by their husband or a close family friend. This crime would go unreported due to social pressures such as dishonour of the family.³⁹¹ Malherbe too testifies that the Attorney General and the Court were most concerned with protecting men against false charges.³⁹² This could imply that farmers and agriculturalists were protected by the courts and society at large as they were being judged by members of their own class.

Another rare, and lesser-known rapist was the gang rapist. According to historian Chet Fransch, by 1910 incidents of gang rape were appearing in the Cape.³⁹³ This type of rape has been linked to theories on masculinities in crisis. In the South African context specifically, scholars have argued that central to hegemonic masculinity is this heterosexual performance of strength, toughness and the control of women. This performance was crucial, even if it necessitated sexual or physical violence.³⁹⁴ Gang rape then was considered an enactment where women were objectified.³⁹⁵ It is, however, evident that cases of gang rape occurred as early as the 19th century. On the 25th of September 1835, three men were located in Green Point. It was here

³⁸⁹ C. Fransch: “‘...wood carved by the knife of circumstance’?: Cape Rapists and Rape in South Africa, c.1910-1980”, joint PhD (Stellenbosch University and Vrije Universiteit Amsterdam), December 2016, p. 23.

³⁹⁰ N. Penn, “Casper, Crebis and the Knecht” Rape, Homicide and Violence in the Eighteenth-Century Rural Western Cape,” *South African Historical Journal*, 66(4), December 2014, p. 634.

³⁹¹ P. Scully: *Liberating the Family? Gender and British Slave Emancipation in the Rural Western Cape, South Africa, 1823 – 1853*, 1997, p. 165.

³⁹² V. C. Malherbe: “Family Law and ‘The Great Moral Public Interests’ in Victorian Cape Town, c.1850 – 1902,” *Kronos*, 36, November 2010, p. 15.

³⁹³ C. Fransch: “‘...wood carved by the knife of circumstance’?: Cape Rapists and Rape in South Africa, c.1910-1980”, joint PhD (Stellenbosch University and Vrije Universiteit Amsterdam), December 2016, p.194.

³⁹⁴ R. Jewkes & R. Morrell: “Gender and sexuality: emerging perspectives from the heterosexual epidemic in South Africa and implications for HIV risk and prevention”, *Journal of the International AIDS Society*, 13, 2010, p. 6 and H. Coovadia, R. Jewkes, P. Barron, D. Sanders & D. McIntyre: “The health and health system of South Africa: historical roots of current public health challenges”, *The Lancet*, 374, 2009, pp. 817–834.

³⁹⁵ R. Jewkes, K. Dunkle, M. Koss, J. Levin, M. Nduna et al., “Rape perpetration by young rural South African men: prevalence, patterns and risk factors”, *Social Science and Medicine*, 63, 2006, pp. 2949–2961.

that mason Dardat and labourers Jan and Adrian, who were part of the Diaconese gang, came across a women by the name of Catherina Volmer. Here, between a church and the military magazine store, the men decided to approach Volmer. Despite her ties to cook John Savage, Jan and Adrian seized her, threw her onto the ground and continued to drag her for five yards. Whilst Jan and Adrian held her down by her shoulders and arms, Dardat violently ravished her. Although one cannot be sure how the three men were apprehended, it is evident that when they appeared before the court. They all pleaded not guilty. Despite this, the court found all gang members guilty and they were all sentenced to death on the 21st of October 1835.³⁹⁶

Another case, also located in the Supreme Court, records that on the 17th of January 1894, private soldiers James Goudie, Alexander Coutts, James Mitchell and Ernst Redfearn were stationed in Cape Town. On this day, these four men raped a washerwoman by the name of Anna Johanna. Although all four of the men also pleaded not guilty, James Goudie and Alexander Coutts were both found guilty and sentenced to 10 years imprisonment with hard labour in April 1894.³⁹⁷

The third and final case of gang rape in the Supreme Court includes six “coolies”. These men, Abdol Fakier, Tommy Brown, John Williams, Abraham Hendricks, David Daniels and Samuel Thomas were all living in Cape Town on the 29th of July 1894. It was on this day that they approached, assaulted and raped a married woman by the name of Martha Williams. Although the gang pleaded not guilty, all but John Williams were convicted of rape and sentenced to five years imprisonment with hard labour and 25 lashes in October 1894.³⁹⁸

A case of gang rape also appeared in the Circuit Courts in 1879. Michael Downey (fireman), Frederick William Turner (blacksmith) and James Furney (engine cleaner) were accused of the crime of rape. The men were recorded to have assaulted Sarah Oeris on the 12th of September 1879 and although James Turney was discharged the other two men were found guilty and

³⁹⁶ KAB CSC 1/1/1/8, no. 4, Dardat, Jan and Adrian, 1835.

³⁹⁷ KAB CSC 1/1/1/40, James Goudie, Alexander Coutts, James Mitchell, Ernst Redfearn, no.29, 1894.

³⁹⁸ KAB CSC 1/1/1/41, Abdol Fakier, Tommy Brown, John Williams, Abraham Hendricks, David Daniels and Samuel Thomas, no.24, 1894.

sentenced to imprisonment with hard labour. Michael Downey received a sentence for three months and Frederick William Turner for only one month.³⁹⁹

Here, it is evident that the vast majority of visible rapists were from the lower classes with a few exceptions. Whether this is a true reflection of the realities is certainly questioned given the state of societal norms at the time, the judicial process of confessions as well as the connections some men had which protected them from being caught. If they were, they were also less likely to be convicted. Nevertheless, the state continued to police rape at the Cape through a variety of sentencing practices.

3.3 “Policing the Peril”⁴⁰⁰

Following the British rule from 1796, extremely barbaric punishments such as being broken on the wheel were replaced with hanging, flogging and imprisonment. Initially it was argued that banishment and transportation were “unsuited” to the Cape conditions.⁴⁰¹ Prisons, which were first used for those awaiting trials, were used to incarcerate convicts. Prisoner work supplied labour for public works, such as the road system and later prisoners were hired out to farm and mine owners. Small prisons were built throughout the country as magistrates expanded. Here there was overcrowding and complaints of poor treatment, which resulted in the appointment of an Inspector of Prisons.⁴⁰² Capital punishment, in the early 19th century, was used for a variety of crimes such as sodomy in 1831. Sachs reveals that the 1830s saw the death sentence being passed for crimes including housebreaking, arson, cattle-killing, theft, incest and rape. Following this period, he suggests that the death penalty was mainly reserved for cases of murder. However, death sentences were passed between 1841 and 1862 for men convicted of rape. Magistrates, Sachs argues, were “more prone to be influenced by the demands of white farmers” unlike Supreme Court judges who were more inclined to follow legal procedure.

³⁹⁹ KAB 1/2//95, Michael Downey, Frederick William Turner and James Furney, no.7, 1879.

⁴⁰⁰ Adapted from: A. Stoler: “Making Empire Respectable: The Politics of Race and Sexual Morality in 20th-Century Colonial Cultures”, *American Ethnologist*, 16(4), November 1989, p. 641.

⁴⁰¹ A. Sachs: *Justice in South Africa*, p. 55.

⁴⁰² *Ibid.*, p. 56.

It is significant that both blacks and white were locked up in the same prisons. This “degradation”, according to Sachs, explains why white men had a lighter sentence.⁴⁰³ The administration of justice in the Cape was “almost exclusively in the hands of white men”.⁴⁰⁴ Sachs infers that:

though the courts might not always have been effective in protecting blacks from atrocities by whites, they would give a fair measure of protection to whites who exposed such atrocities.⁴⁰⁵

It is then of importance to consider how the Cape treated these rapists. It is clear that existing stereotypes affected who was considered a rapist, conviction rates as well as who was most likely to be raped.⁴⁰⁶ These same stereotypes would then have affected what was to be done with these rapists. It is already evident that it was rare for the actual charge of rape to be delivered. Rather than focusing on eradicating these men and their behaviours, the Cape was also willing to ship these men to other colonies. This is similar to the metropole. Race and class will be considered in terms of this drive towards punishment as opposed to rehabilitation and it will become evident that Cape rapists needed to be punished, killed or banished.

3.3.1 Fines, Flogging, and Everything Else...

The death penalty was passed in “cases of great severity”, according to Scully. These included “the rape of “a girl still unmarriageable” (not yet menstruating), married women, and rape by men in positions of authority – the latter characteristic possibly serving as a marker for whiteness”.⁴⁰⁷ Despite this, there are several instances of reported rape in the 19th century Cape where men in respectable professions were convicted for rape and not sentenced with the death penalty. Several cases of rape resulting in the passing of the death sentence have been recorded in this dissertation. However, the vast majority of convictions resulted in lesser sentences. This ranged from flogging, brandishing, hard labour, prison sentences and banishment from the Colony.

⁴⁰³ A. Sachs: *Justice in South Africa*, p. 59.

⁴⁰⁴ *Ibid.*, p. 60.

⁴⁰⁵ *Ibid.*, p. 62.

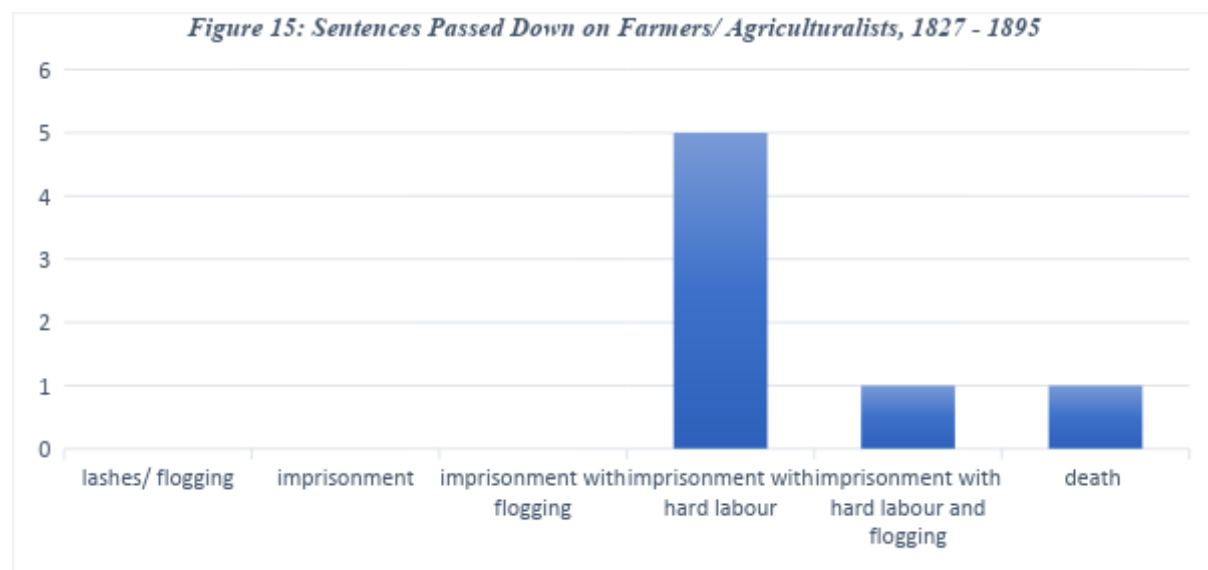
⁴⁰⁶ This will be explored further in Chapter 4.

⁴⁰⁷ P. Scully: “Rape, Race and Colonial Culture: The Sexual Politics of Identity in the Nineteenth- Century Cape Colony, South Africa”, *The American Historical Review*, 100(2), April 1995, p. 343.

There is a vast amount of existing literature that focuses on rape sentencing and the barbaric nature in which black men were sentenced. It becomes clear that white, upper-class men were largely invisible from the records. Lower-class men on the other hand were viewed with suspicion. It has however been argued that brutal sentences were not only restricted to blacks.⁴⁰⁸

Attention should then be drawn to the sentencing of the assumed upper class in order to establish a standard for how “unlikely” rapists were treated. Cases of upper-class men being accused of rape are few, and cases of conviction are even less. The few cases that did result in conviction then reflect how these rare rapists were treated.

3.3.1.1 Sentencing “Unlikely” Rapists



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⁴⁰⁸ See for example: M. Upham: *Keeping the gate of Hell... 'subliminal racism' & early Cape carnal conversations between black men & white women*, <http://www.e-family.co.za/ffy/RemarkableWriting/UL06Keeping.pdf> (June 2016), N. Penn: “Casper, Crebis and the Knegt: Rape, Homicide and Violence in the Eighteenth-Century Rural Western Cape,” *South African Historical Journal*, 66(4), December 2014, R. Ross: *Beyond the Pale: Essays on the History of Colonial South Africa*, 1993 and P. Scully: *Liberating the Family? Gender and British Slave Emancipation in the Rural Western Cape, South Africa, 1823-1853*, 1997.

⁴⁰⁹ There is no statistic for the Court of Justice and Supreme Court records as there was only one reported rape of a farmer, the verdict however was not guilty. Again, this statistic only includes data from when the Circuit Courts were established (1827). The Circuit Court, in comparison to the Cape Supreme Court, contains 24 cases where farmers/ agriculturalists were accused of rape. These 24 cases are as follows: KAB CSC 1/2/1/9, no.2, KAB CSC 1/2/1/10, no.7, KAB CSC 1/2/1/11, no.6, KAB CSC 1/2/1/13, no.15, KAB CSC 1/2/1/17, no.10, KAB CSC 1/2/1/22, no.35, KAB CSC 1/2/1/24, no.4, KAB CSC 1/2/1/25, no.17, KAB CSC 1/2/1/38, no.15, KAB CSC

After a systematic investigation into the Court of Justice and Cape Supreme Court records from KAB CJ 797 – 822 and KAB CSC 1/1/1/1 – 1/1/1/42 there is only one case of a farmer/agriculturalist being accused of rape. This case of Heinrich Newmann resulted in the accused being found not guilty on grounds of apparent consent.⁴¹⁰ In the Circuit Court records, there are 29 cases where a farmer or agriculturalist was charged with rape. However, only seven were successfully convicted. Of these seven, five received imprisonment with hard labour, one received imprisonment with hard labour and floggings and one received the death penalty. The original death sentence was subsequently commuted to 10 years of hard labour.⁴¹¹

In comparison to this data set it is then of importance to consider how lower-class rapists were sentenced. Firstly, in the Circuit Court, there were 289 cases identified where the rapist was a labourer. Of these, 205 received sentences, specifically 105 received imprisonment with hard labour, 81 received imprisonment with hard labour and flogging, five received lashes, five received the death penalty and three received imprisonment.

This illustrates firstly that there were nearly 44% more labourers convicted of rape than farmers. Additionally, only 48,2 % of labourers received a sentence with imprisonment with hard labour as opposed to 71% of farmers. In contrast to this, 43,9 % of labourers received a sentence of imprisonment with hard labour and flogging as opposed to only 14% of farmers. This illustrates that labourers were more likely to receive a sentence including flogging than farmers. This corroborates existing literature on the natural violence of “the native” who needed a punishment of flogging when committing violence.⁴¹² Clearly these “respectable” men were awarded “respectable” sentences.

1/2/1/41, no.12, KAB CSC 1/2/1/49, no.19, KAB CSC 1/2/1/59, no.6, KAB CSC 1/2/1/65, no.12, KAB CSC 1/2/1/66, no.11, KAB CSC 1/2/1/66, no.27, KAB CSC 1/2/1/67, no.1, KAB CSC 1/2/1/67, no.6, KAB CSC 1/2/1/68, no.15, KAB CSC 1/2/1/69, no.14, KAB CSC 1/2/1/71, no.1, KAB CSC 1/2/1/84, Patrick, KAB CSC 1/2/1/87, no.1, KAB CSC 1/2/1/106, no.10 and KAB CSC 1/2/1/115, no.8. However, of these 24 cases, only 7 saw a successful conviction. This graph illustrates that 5 received imprisonment with hard labour, 1 received imprisonment with hard labour and flogging and 1 received the death penalty. The 7 cases are as follows: KAB CSC 1/2/1/10, no.7, KAB CSC 1/2/1/13, no.15, KAB CSC 1/2/1/41, no.12, KAB CSC 1/2/1/65, no.2, KAB CSC 1/2/1/66, no.27, KAB CSC 1/2/1/68, no.15, and KAB CSC 1/2/1/84, Patrick.

⁴¹⁰ KAB CSC 1/1/1/42, no.13, 1895.

⁴¹¹ P. Scully: *Liberating the Family? Gender and British Slave Emancipation in the Rural Western Cape, South Africa, 1823-1853*, 1997, p. 172.

⁴¹² J. Bourke: *Rape: A History from 1860 to the Present*, 2007, pp.96-99.

Of the 30 cases of rape where the rapist was an agriculturalist, 13 occurred during the period of 1837-1865. Here, where only four cases resulted in conviction, the occupation of the rapist requires contemplation in terms of what was to be done with these rapists.

According to existing literature, it was firstly extremely unlikely that white, upper-class men were even accused of rape. This was partly due to the pressures of not “dishonouring” the family⁴¹³ and therefore bringing “shame” to the white race. In addition to this, when white men did appear in the records as rapists they received more lenient sentences in comparison to men of the lower-class. These lenient sentences also extended to “protection” from the death penalty.⁴¹⁴ Of the 30 agriculturalists who were charged with rape during 1795-1895, only seven in total were convicted.

These cases were brutal. On the 7th of January in 1848, that the agriculturalist, Cornelius Volshenk, was in the same vicinity as a young girl by the name of Anna Eliza de Vos. Anna, who was the daughter of another agriculturalist, had the misfortune of crossing paths with Volshenk that day. Once he had set his eyes on her, Volschenk became filled with desire. He grabbed a hold of her and despite her wishes ravished her. He denied the crime but was sentenced to be hung by the neck until dead just 2 months later.⁴¹⁵ The fact that his victim was the daughter of a fellow farmer was a most compelling factor.

On 1 September 1859, Hendrik July assaulted Lys Vos. This agriculturalist grabbed the innocent and married Lys Vos. Despite her respectable nature, July forced himself onto her and satisfied his desires. It appears that Lys’ relationship status granted her favour in the courts as July was found guilty and sentenced to be publicly whipped with 30 lashes and then to be imprisoned for three years with hard labour.⁴¹⁶

⁴¹³ P. Scully: *Liberating the Family? Gender and British Slave Emancipation in the Rural Western Cape, South Africa, 1823-1853*, 1997, pp.165 -167.

⁴¹⁴ J. Murray: “Gender and Violence in Cape Slave Narratives and Post Narratives,” *South African Historical Journal*, 62(3), 2010, p.449.

⁴¹⁵ KAB 1/2/1/40, case 12, Cornelius Volshenk, 1848.

⁴¹⁶ KAB 1/2/1/65, case 2, Hendrik July, 1859.

Albertus van Jaarsveld was tried in the Supreme Court. He violated his own daughter. It was from the 15th of August 1859 that young Catherina Maria Sophie van Jaarsveld's abuse began. A short four months later, her father captured her and abused her yet again. Only two months after this incident van Jaarsveld grabbed a hold of his daughter yet again. On this occasion he continued to pick up a horsewhip and use it to beat her face, head and shoulders. After the reporting of this series of abuses, van Jaarsveld was finally apprehended. He denied the charges but was found guilty and sentenced to 10 years with hard labour.⁴¹⁷ The serial attacks as well as the incestuous nature of the rapes were compelling factors in securing his convictions.

Lastly there is the case of Petrus Jacobus Rademan, an agriculturalist, who was charged with the crime of attempting to commit rape. On the 4th of June 1860, Rademan, for some reason, approached a bed which was not his. Fast asleep in this bed was the unsuspecting Magdalena Johanna Groenewald, who was a married lady. Rademan then decided that he would climb into the bed. Filled with desire for this woman he lay on top of her, lifted her clothing and forcefully had a sexual encounter with her. Once before the court, he denied all accusations. Despite his pleas, the court trusted in the word of the married woman and he was convicted and sentenced to three years of imprisonment with hard labour.⁴¹⁸

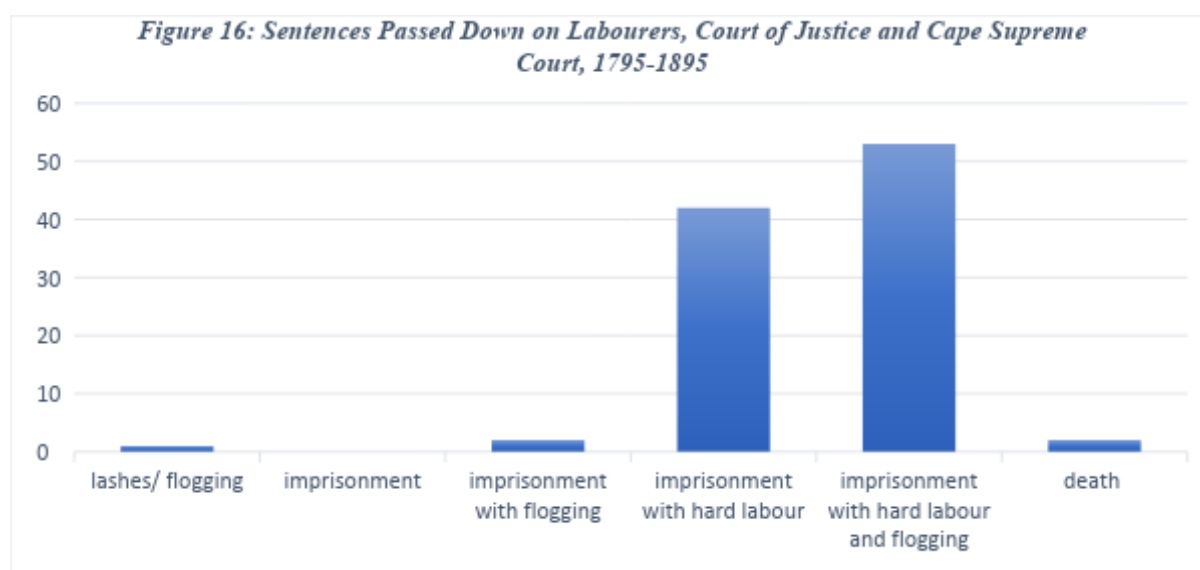
It is clear that even more rare than the actual reporting of these crimes, was the conviction of these men. As it was so rare for a white, more affluent males to appear in the court records, let alone be convicted, the circumstances of the rape need to be considered. Specifically, the occupation of the victim needs to be considered. All four of these rape cases see the rape of someone from the respectable or marriageable class. Two of the victims were wives and the other two were young girls.⁴¹⁹ While their sentences varied, it is worth comparing their sentences with those of labourers, convicted of similar crimes.

⁴¹⁷ KAB CSC 1/2/1/66, case 22, Albertus van Jaarsveld, 1859.

⁴¹⁸ KAB CSC 1/2/1/68, case 15, Petrus Jacobus Rademan, 1860.

⁴¹⁹ P. Scully: "*Rape, Race and Colonial Culture: The Sexual Politics of Identity in the 19th Century, Cape Colony, South Africa*," *The American Historical Review*, 100(2), 1995, p. 343.

3.3.1.2 Sentencing Labourers, 1795-1895



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Through this data it is revealed that the sentence with the highest prevalence in the Court of Justice and Supreme Court for labourers found guilty of rape was imprisonment with hard labour and flogging. This was followed by imprisonment with hard labour, imprisonment with flogging, death and then flogging. The high incidence of sentences with hard labour and flogging can be explained by these naturally violent men needing to be punished with a form of violence.⁴²¹ Furthermore, the type of sentence indicates the severity of the crime, in terms of the court and society during this period.

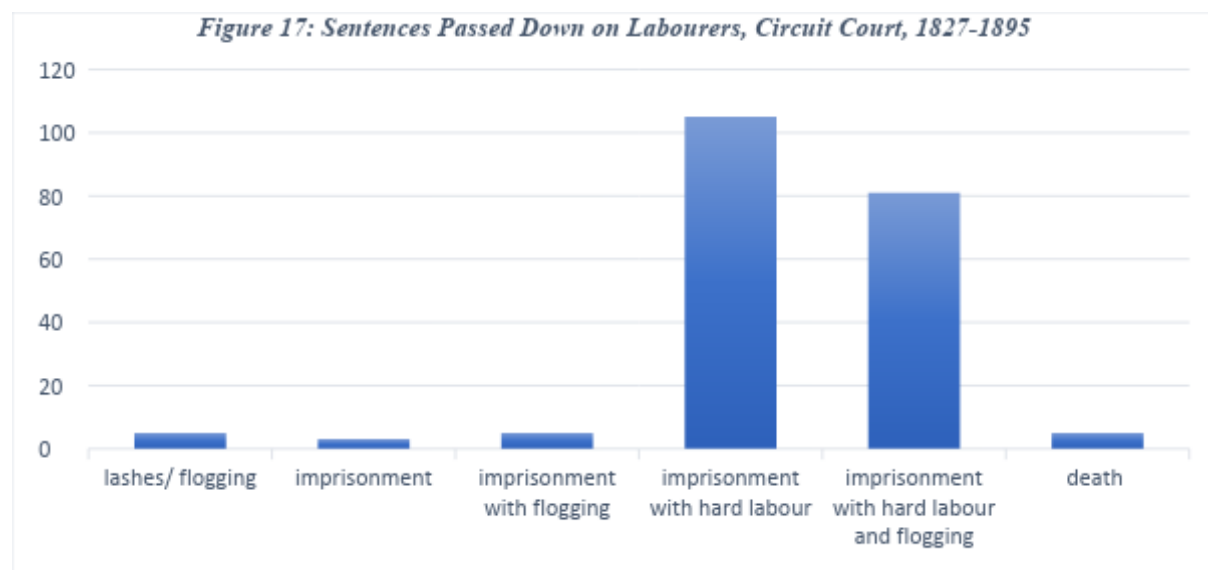
From the case of Adam, in September, it is revealed that he was found guilty of stealing one blanket, a sheet, three pairs of shorts, a black round hat, three jackets, two pairs of trousers, a pair of short breeches, two neckcloths and one pair of shoes. He was apprehended and brought before the courts. Here he pleaded for mercy saying that he was intoxicated at the time. However, on 1 February 1800, Adam was whipped on his bare back, marked with a hot iron and then banished from the colony for life.⁴²² Receiving a similar sentencing to this is the case

⁴²⁰ For the purposes of this graph punishments have been simplified to – lashes, imprisonment, imprisonment with flogging, imprisonment with hard labour, imprisonment with hard labour and flogging and finally the death penalty. Of the 130 cases where labourers were accused of rape 99 were found guilty. The identified 99 cases are only those where the rapist was successfully convicted. This graph illustrates that 1 prisoner received lashes, 2 received imprisonment with flogging, 42 received imprisonment with hard labour, 53 received imprisonment with hard labour and flogging and 2 received the death penalty. The cases used for this statistic are located in Appendix A: 7.4.

⁴²¹ J. Bourke: *Rape: A History from 1860 to Present*, 2007, pp. 96-99.

⁴²² KAB CJ 798, freeman Adam, p. 111, 1800.

of 24-year-old August, a slave. He came across a young slave-girl, Louisa, who was afraid and tried to run away from him. He ran after her and tried to persuade her to have sexual intercourse. However she refused. He raped her. He was sentenced to be severely flogged on his bare back, marked with a red hot iron and then to be chained and put to work in the public works for the rest of his life.⁴²³ The similarity of sentencing between a rape and a crime of theft indicates that although rape was seen as a crime to the court, it was not necessarily the most heinous of crimes. This can be alleged due to the violent crime of rape being equated in terms of sentencing to that of the petty crime of theft.



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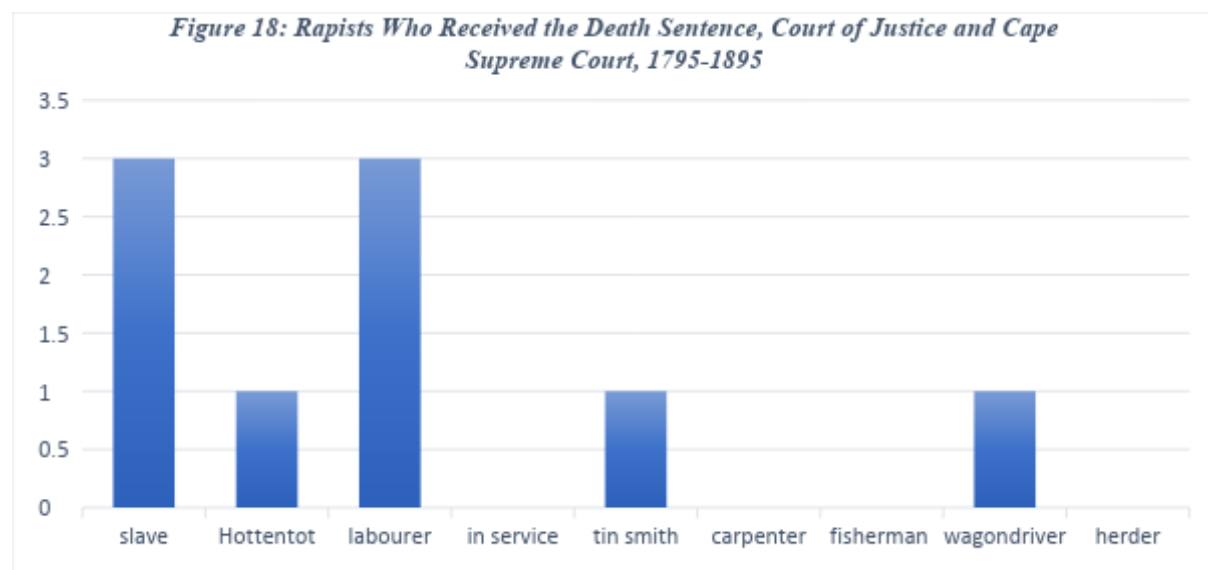
The Circuit Court records revealed that imprisonment with hard labour was the most prevalent punishment for labourers. This was followed by imprisonment with hard labour and flogging, then flogging, imprisonment with flogging, death and then imprisonment. Again, the prevalence of flogging and hard labour, according to Bourke, relies on the theory of a man being naturally violent. Concurring with this reasoning of men being naturally violent, flogging

⁴²³ KAB CJ 798, August of Mozambique, p. 249, 1800.

⁴²⁴ These records only begin in 1827, and so this statistic has only included data from this year until 1895. This statistic illustrates the most prevalent form of punishment for labourers in the Circuit Courts, in comparison to the Cape Supreme Court. For the purposes of this graph punishments have been simplified to – lashes, imprisonment, imprisonment with flogging, imprisonment with hard labour, imprisonment with hard labour and flogging and finally the death penalty. 205 cases were identified where the rapist was successfully convicted. This graph illustrates that 5 prisoners received lashes, 3 received imprisonment, 5 received imprisonment with flogging, 105 received imprisonment with hard labour, 81 received imprisonment with hard labour and flogging and 5 received the death penalty. 1 case of the 205 guilty cases of labour rapists has been excluded from this statistic as the prisoner had already been found guilty of murder and so he did not receive a sentence for rape (KAB CSC 1/2/1/86, no.3). The 205 cases are located in Appendix A: 7.5

(a form of violence) was used to punish those who committed violence.⁴²⁵ Although this is evident in the Court of Justice and Supreme Court, the Circuit Court however seemed to prefer making use of imprisonment with hard labour without the use of flogging. This could be evidence of the urban court being harsher regarding sentencing, which is reflective of procedure at this court.

3.3.2 The Death Sentence



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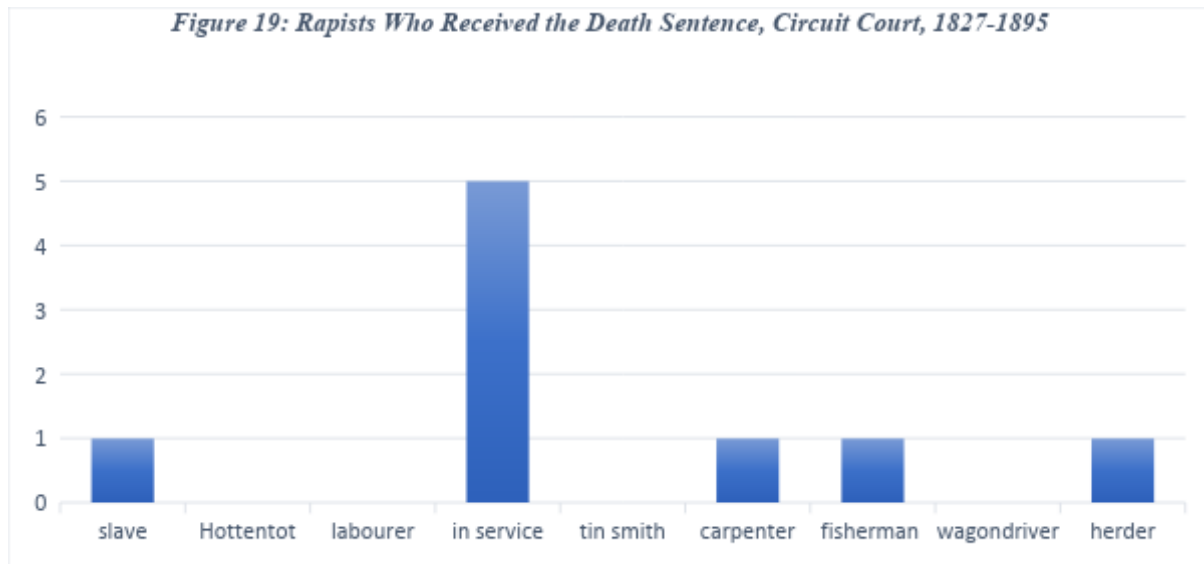
Literature has suggested that attempted rape or rape resulted in the death penalty when concerning a white woman. Similarly, according to Stoler, flogging was a common sentence for assault in the 20th century.⁴²⁷ It is however evident that this trend was already present from the 19th century. According to the statistics on the death penalty, specifically investigating the Court of Justice and Supreme Court records, the occupation which most frequently received this was slaves and labourers (each of these occupations had three verdicts of the death penalty during this period). Besides these occupations, one Hottentot, one tinsmith and one wagon driver also received a similar sentence. These two occupations were a part of the lower class, and according to literature more likely to appear in the rape records. These occupations would

⁴²⁵ J. Bourke: *Rape: A History from 1860 to Present*, 2007, pp. 96-99.

⁴²⁶ During this time period 9 cases resulted in the death penalty. According to this statistic slaves and labourers received this sentence the most, with 3 cases each. The cases are as follows: KAB CJ 798, no.85, KAB CJ 809, no.25, KAB CJ 809, no.28, KAB CJ 816, pp. 1071-1081, KAB CSC 1/1/1/8, no.4, KAB CSC 1/1/1/11, no.6, KAB CSC 1/1/1/12, no.10, KAB CSC 1/1/1/13, no.5 and KAB CSC 1/1/1/37, no.9.

⁴²⁷ A. Stoler: "Making Empire Respectable: The Politics of Race and Sexual Morality in 20th- Century Colonial Cultures", *American Ethnologist*, 16(4), November 1989, pp. 641-643.

have been predisposed to the class bias existing at the Cape, making them more likely to be accused of rape as well as convicted of rape.⁴²⁸ Slaves and labourers were therefore not only susceptible to appear more likely as rapists compared to other classes, but they were also judged more harshly on their actions.⁴²⁹ This could explain these two groups in particular received the death penalty the most frequently.



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According to the Circuit Courts, five men in service received the death penalty, one slave, one carpenter, one fisherman and one herder also received a similar sentence. Here it is important to consider that “in service” would be defined as being employed as a servant. This would classify the rapist in the lower class. These occupations would have been predisposed to the class bias existing at the Cape, making them more likely to be accused of rape as well as convicted of rape.⁴³¹ It is also important to notice the lack of this sentence being delivered to any occupation found in the upper class, specifically a farmer/agriculturalist, in both sets of courts. This can be ascribed to the Colonial Cape being a patriarchal society and the courts

⁴²⁸ P. Scully: “Rape, Race and Colonial Culture: The Sexual Politics of Identity in the 19th Century, Cape Colony, South Africa,” *The American Historical Review*, 100(2), 1995, pp. 342-348.

⁴²⁹ M. Lenta: “Sentencing Slaves: Verdicts of the Cape Courts, 1705- 1794”, *English in Africa*, 35(2), 2008, p.40.

⁴³⁰ According to the Circuit Court records, there are 9 cases where the death penalty was dealt during this period. According to this statistic those in service received this sentence the most frequently, with 5 cases present. The cases are as follows: KAB CJ 1/2/1/8, no.11, KAB CJ 1/2/1/8, no.17, KAB CJ 1/2/1/11, no.16, KAB CJ 1/2/1/14, no.21, KAB CJ 1/2/1/17, no.5, KAB CJ 1/2/1/24, np.3, KAB CJ 1/2/1/27, no.4, KAB CJ 1/2/1/32, no.5 and KAB CJ 1/2/1/44, no.11.

⁴³¹ P. Scully: “Rape, Race and Colonial Culture: The Sexual Politics of Identity in the 19th Century, Cape Colony, South Africa,” *The American Historical Review*, 100(2), 1995, pp. 342-348.

being in the favour of white men, therefore the courts may have “protected” these rapists from harsh sentences and the death penalty.⁴³²

While these severe sentences were clearly assigned to specific classes of rapists, another form of punishment was also prevalent in the Cape. That of banishment.

3.3.3 Banishment: The Penal Settlement of New South Wales, 1823-1837

Rapists were being banished from England from 1841.⁴³³ All were sent to the colony of New South Wales. It was proposed, through the Bigge reports, that convicts be transported from Britain and Ireland to New South Wales and from India to Mauritius. This served as a form of forced labour migration following the abolition of slavery.⁴³⁴ Robben Island acted as a hub through which prisoners moved to other sites such as Mauritius, St Helena and other Australian colonies. According to Clare Anderson, penal sites such as Robben Island and New South Wales were mutually constituted and were influenced by the model founded in Van Dieman’s Land.⁴³⁵

In 1815, the British made the decision to send the first group of convicts from Robben Island to New South Wales. Australian colonies became the preferred destination for certain convicts from the Cape. James Dixon embarked on a voyage to New South Wales and van Dieman’s Land during 1820. Here he reported that the society at van Dieman’s land consisted mostly of the worst convicts.⁴³⁶ In 1820 on Robben Island, a group of “rebels” stole weapons and set out to escape in three whaling boats. Majority of the group drowned. Three were recaptured and executed and two were sent to New South Wales.⁴³⁷ This duo were the first recorded convicts

⁴³² J. Murray: “Gender and Violence in Cape Slave Narratives and Post Narratives,” *South African Historical Journal*, 62(3), 2010, p. 449.

⁴³³ E. Kolsky: “The Rule of Colonial Indifference: Rape on Trial in Early Colonial Indifference: Rape on Trial in Early Colonial India, 1805-57”, *The Journal of Asian Studies*, 69(4), November 2010, p. 1099.

⁴³⁴ *Ibid.*, p. 433.

⁴³⁵ C. Anderson, “Convicts, Carcerality and Cape Colony Connections in the 19th Century,” *Journal of Southern African Studies*, 42(3), 2016, p. 430.

⁴³⁶ Stellenbosch University Library: Africana Section, 60/ 629, Dixon’s Voyage to New South Wales, p. 45.

⁴³⁷ C. Anderson, “Convicts, Carcerality and Cape Colony Connections in the 19th Century,” *Journal of Southern African Studies*, 42(3), 2016, p. 434.

to be sent to the Australian colony. This occurred in the context of a heated discussion about the viability of Robben Island as a convict station.

Governor D'urban argued that Robben Island was an unsuitable destination for convicts as it was located too close to Cape Town.⁴³⁸ Chief of Justice, William Menzies, considered Robben Island to be too harsh and promoted the idea of rather sending convicts to New South Wales.⁴³⁹ By 1842, van Dieman's land was the preferred option.⁴⁴⁰

The peak periods for this forced transportation of convicts from the Cape was between 1836 and 1838.⁴⁴¹ It served two purposes. Firstly to solve the shortage of labour after the abolition of slavery, and secondly, to rid the colony of its worst criminals. Banishment was therefore considered a severe sentence and was to act as a deterrent to prospective criminals.⁴⁴²

Nine rapists were banished to New South Wales between 1823 and 1837. Some were sentenced directly while others had their sentences commuted to banishment. Many factors were taken into consideration such as the occupation of the rapists, the occupation of the rape victims, the original charge, and the plea. From the nine rape cases, two were agriculturalists and two were Privates in the army.⁴⁴³

On 24 November 1831, the agriculturalist, Fouche (the elder), raped the ten-year-old girl Sarah in the town of Swellendam. He pleaded not guilty. No evidence of semen could be found. Nevertheless, he was found guilty and sentenced to be transported to New South Wales for 14 years.⁴⁴⁴ Similar to this, agriculturalist Patrick Garvey raped the 10-year-old daughter of a

⁴³⁸ C. Anderson, "Convicts, Carcerality and Cape Colony Connections in the 19th Century," *Journal of Southern African Studies*, 42(3), 2016, p. 436.

⁴³⁹ *Ibid.*, p. 437.

⁴⁴⁰ KAB GH 1/149, number 138, p. 87.

⁴⁴¹ C. Anderson, "Convicts, Carcerality and Cape Colony Connections in the 19th Century," *Journal of Southern African Studies*, 42(3), 2016, p. 434.

⁴⁴² *Ibid.*, p. 434.

⁴⁴³ KAB CSC 1/2/1/10, case 7, Gustavus Wilhelmus Fouche of Swellendam, 1832 and KAB CSC 1/2/1/13, case 15, Patrick Garvey of Albany, 1834 and KAB CJ 817, pp. 540-551, Joseph Burns, 1823 and KAB CSC 1/1/1/1, no. 6, Joseph Mutch, 1828.

⁴⁴⁴ KAB CSC 1/2/1/10, case 7, Gustavus Wilhelmus Fouche of Swellendam, 1832

fellow agriculturalist on 21 March 1833, in Albany. He too pleaded not guilty but was convicted on 1 April 1834. Initially he was sentenced to death but due consideration was given to his age and the sentenced was commuted to banishment to New South Wales.⁴⁴⁵

Joseph Burns was a 22-year-old Private in the 55th regiment located at a local hospital. On the 15th of July 1823, he mixed a concoction of brandy and sugar and gave it to a young seven-year-old Margariet. She fell asleep and he raped her. She was unaware of the attack until the next morning, when she awoke in pain. Her mother examined her and demanded to know what had happened. Only after her mother had threatened her with a beating did she recount the entire ordeal preceding the rape. A surgeon then examined her and found that she was swollen, red, had the remains of a yellow coloured matter and had suffered a tear in her hymen. He did, however, specify that she had not been penetrated. Joseph Burns was apprehended and found guilty of “the forcible state to commit a rape” and sentenced to New South Wales for seven years with hard labour and no wages. He was to await transportation on Robben Island.⁴⁴⁶

Another Private with the 49th regiment, Joseph Mutch, was also accused of rape on the 18th of March 1828 in Wynberg. His victim was Margaret Canhill, a spinster living in Cape Town. He too was found guilty and banished to New South Wales for 14 years.⁴⁴⁷ On the 24th of May 1836, a mason named William Leathern raped his sister-in-law in the district of Albany. She was not yet 12 years old. Leathern was charged with not only rape but incest too. The court could not prove that emission had occurred but he too was eventually found guilty and banished to New South Wales for life.⁴⁴⁸ In the case of Jacobus Abraham Erasmus, the 30 year old man raped a married woman on the 10th of March 1825. Five months after reporting the rape, Erasmus was sentenced to New South Wales for seven years.⁴⁴⁹

In seven of the nine cases, the rapists pleaded “not guilty”. All nine cases also saw the charge of rape, except for the case of William Leathern which saw the charge of rape and incest. Six

⁴⁴⁵ KAB CSC 1/2/1/13, case 15, Patrick Garvey of Albany, 1834.

⁴⁴⁶ KAB CJ 817, pp. 540-551, Joseph Burns, 1823.

⁴⁴⁷ KAB CSC 1/1/1/1, no. 6, Joseph Mutch, 1828.

⁴⁴⁸ *Ibid.*

⁴⁴⁹ *Ibid.*

cases occurred in the Circuit Courts and three in the Supreme Court records. Therefore, more district rapists were banished to New South Wales. The three cases in the urban court occurred between 1823- 1828, whereas the cases in the rural courts occurred between 1831-1837. Lastly, 50% of the New South Wales sentences took place in Albany.

Of the nine cases mentioned in this section, 44,4% record death penalties being changed to New South Wales sentences.⁴⁵⁰ These four cases can be explained in terms of occupation. The case of Patrick Garvey records the rape of a girl under the age of 12 being raped by an agriculturalist.⁴⁵¹ As explained in above literature, agriculturalists formed part of the upper class and were also perfect candidates to help develop a penal colony such as New South Wales. All of the victims were also considered desirable and respectable by the Cape courts, thus further warranting a severe sentence. This is not to suggest that this was a necessary precondition.

Figeland was in the service of an agriculturalist based in rural Uitenhagen. On the 8th of August 1836, he raped a young housemaid. He too claimed that he had not committed the crime. He was sentenced to be hung to death for his brutal crime. However, in November 1836, his death sentence was commuted to 10 years in New South Wales.⁴⁵² A similar scenario can be seen in the case of January, who raped the wife of a labourer on 22 August 1835.⁴⁵³ Abraham Pretorius, in service to a butcher in Beaufort, was also convicted of raping the daughter of a Beaufort agriculturalist on the 7th of March 1837.⁴⁵⁴

Of significance in these cases is the commuting of the death sentence to banishment. These men were not simply from the lower classes nor can they be assumed to be black. Here, many questions arise about existing literature which suggests that only black men were sentenced to death for rape. Clearly banishment was not a light sentence. These men were to serve a purpose

⁴⁵⁰ These cases are: KAB CSC 1/2/1/13, case 15, Patrick Garvey of Albany, 1834, KAB CSC 1/2/1/18, case 11, Figeland of Uitenhagen, 1836, KAB CSC 1/2/1/18, case 17, January of Albany, 1836, and KAB CSC 1/2/1/19, case 9, Abraham Pretorius of Beaufort.

⁴⁵¹ KAB CSC 1/2/1/13, case 15, Patrick Garvey of Albany, 1834.

⁴⁵² KAB CSC 1/2/1/18, case 11, Figeland of Uitenhagen, 1836

⁴⁵³ KAB CSC 1/2/1/18, case 17, January of Albany, 1836.

⁴⁵⁴ KAB CSC 1/2/1/19, case 9, Abraham Pretorius of Beaufort, 1837.

in the penal colonies but their initial sentence of death therefore raises questions about the racial profiles of those sentenced to death for rape in the Cape. It is clear then that not all white upper-class men were protected by the court, and more specifically through this case it is clear that not all men who raped married women and young girls were sentenced to death.

In the midst of these banishments, a very peculiar case appeared in the court records in 1837 which also suggest that the judiciary at the Cape was beginning to contemplate the role of psychology in the case of rape.

3.3.4 The Curious Case of William Griffin, 1837

On the 5th of November 1837 in rural Graaf Reinet, William Griffin was out strolling when stumbled across a married woman by the name of Syma. He raped her. A year later the case appeared before the court of Graaf Reinet. It was here that the Prosecutor argued that Griffin was “not sane”. Griffin was then declared insane and sentenced to be kept in the Graaf Reinet goal until he could be transported to Somerset Hospital where he was to be incarcerated for life.⁴⁵⁵ This was an extremely unusual conviction for rape at this time. Even more importantly, the motives for the rape beyond instinctual theories on why men raped, were beginning to proliferate in the Cape.

According to existing literature the psychological evaluation of prisoners was not considered during this period, at least not in the Cape, although prevalent in India at the time. Rather, the psychological state of those brought before the courts was only really instituted with the Contravention of Section 2, Sub-section 1 of The Girls and Mentally Defective Women’s Act No. 3 of 1916. This was no doubt a reflection of the limited understanding of mental health and pathology within medical circles at the time. Often in cases of brutal violence, the automatic question arises as to the sanity of the aggressor. This has relied on theories such as the Darwinian theory on man’s natural rapaciousness. It was from this logic that flogging became an important tool to punish perpetrators of violence. This argument appeared in law journals in America by 1898 to change views that “gentle treatment” could change the middle-class offenders who were not innately savage and could be reformed. “The ‘rod’ effectively attacked

⁴⁵⁵ KAB CSC 1/2/1/22, case 13, William Griffin, 1838.

the ‘conscience and conduct’ of evil men” but returning to “savage cruelty” such as the cutting of flesh with the cat-o’-nine tails, was discouraged. Punishment was expected to fit the criminal rather than the crime.⁴⁵⁶

Socially, the idea that crime was hereditary was visible in the public domain in 1909. In an article entitled “Hereditary Crime: Criminal Marriages”, it was argued that Despine, in his work *Psychologie Naturelle*, suggested that criminal blood in families resulted in a lack of morals and increased tendency towards crime.⁴⁵⁷ In both assessing the mental and genetic aspects of criminals, circumstances out of their control were arguably the reason why they behaved the way they did. By 1912, it was said that in most countries, assault of women was recognised as being due to mental defect on the part of the aggressor. However, it was thought that mental defect could not be used to establish irresponsibility of the crime but should be considered in the sentencing process.⁴⁵⁸ Existing theories indicate that men who rape experience feelings of inadequacy. These men have also often been brought up in environments where sexual abuse and violence is prevalent. An absence of empathy is also frequent amongst these perpetrators.⁴⁵⁹ Fransch’s thesis reveals that during 1966 the counsel cross-examined District Surgeons, forensic evidence and the physical and psychological state of the perpetrator and victim.⁴⁶⁰ According to Fransch the *Mens rea* clause investigated intent and responsibility of the perpetrator. Here, the psychological state of the rapist helped determined their sentence.⁴⁶¹ Through this literature it is evident that the psychological evaluation of those brought before the court was beginning to be instituted from 1916. This case, however, suggests that psychological considerations were already being instituted in the Cape judiciary as early as the 19th century.

Through the rare case of William Griffin several conclusions can be drawn. This case does not challenge existing literature in terms of who the most common rapists at the Cape were, nor does it dispute theories surrounding women as property and how this affected the court. Through this case it is evident that women from the lower class were valued by white upper-

⁴⁵⁶ J. Bourke: *Rape: A History from 1860 to the Present*, 2007, pp. 96-99.

⁴⁵⁷ Author unknown: “Hereditary Crime: Criminal marriage”, *The Journal*, October 1909.

⁴⁵⁸ Author unknown: “Note on Relation of Assaults to Insanity”, *Christian Outlook*, August 1912.

⁴⁵⁹ C. Fransch: “...wood carved by the knife of circumstance’?: Cape Rapists and Rape in South Africa, c.1910-1980”, joint PhD (Stellenbosch University and Vrije Universiteit Amsterdam), December 2016, p. 9.

⁴⁶⁰ *Ibid.*, p. 100.

⁴⁶¹ *Ibid.*, p. 125.

class men in that their rapes were reported and appeared in the Court records. Their rapes were therefore “important” to the court as these women were of value to white men. What is important to consider is if Syma was a white upper- class woman, would Griffin’s sanity have been considered or would the court have focused on the heinous crime of “insulting” the white race instead. This case does however confirm the main argument of this thesis – that the value of women and therefore how their rapes were treated by the Court was determined by their relation to the men who ran the Court (white upper-class men). Most importantly, this case is evidence of the sanity of rapists being considered at the Cape before the 20th century.

3.4 Chapter Conclusions

It is clear that explanations of biological determinism were used for rape at the Cape during the 19th century. Black men in particular, when determined, were regarded as natural rapists. This is evident through the significant number of lower class rapists presented in the court records. The British were clearly threatened by “illegal acts of reproduction” between black men and white women. These racial profiles of the accused are at times problematic. Patterns of certain classes being regarded as rapists are however evident throughout the British Empire. Evidently it was mostly men of a certain type that could rape – which affected who could appear in the surviving records as rapists. This is evident in the broader colonial context too. Both the urban and rural courts reflected large reports of labourers committing rape. There was low incidence of upper class men (like farmers and agriculturalists) committing rape. These reflections corroborate existing literature. The stereotypes of rapists also affected who could be raped. Victims of slave rapists were mainly married women. But there were also cases of slave women. This finding is different to existing literature and illustrates that the Cape was not only concerned protecting the upper class.

The notion of confessions was also important. Besides revealing that no long-term change took place in the court under the Batavian Republic rule, this shows that these men were considered natural rapists and therefore needed to confess to their crimes. Rural areas recorded significantly more cases of farmer and agriculturalist rapists than urban courts. This could be explained by the differences in populations. Upper class men, on the other hand, were not considered natural rapists. The courts reflect that rapes by these men only received a 29% conviction rate. These low rates of conviction among the upper class are explained in literature

by not wanting to dishonour both the white race and the family. Although there is, at times, evidence of these rapes being reported nonetheless.

These stereotypes also affected how these rapists were treated. The trends seen here fit the existing literature on punishment in the colonial context. Upper class, or “rare”, rapists received less harsh sentences in comparison to labourers. Specifically, labourers were more likely to receive a sentence involving flogging. The lower classes most commonly received sentences including imprisonment with hard labour and flogging, in both sets of courts. The death penalty was used to protect certain women and was mostly received by the lower classes in both sets of courts. The sentence of banishment was also evident, specifically to New South Wales. This sentence was mostly a form of “pardoning” and continued to reveal who was most valued by the court. Noticeably the focus of the court, in terms of sentencing, was on punishing rather than rehabilitation.

While the vast majority of cases can quite comfortably fit into the existing global and local literature on “who were these rapists” and by extension “what should we do with them”, a few revealing cases suggest that the Cape Courts were already considering crimes that affected those other than the upper classes and reporting rapes which “dishonoured” the white upper class. While these trends inform the reader of what type of men raped, and the measures taken by the state to control their behaviour, attention will now turn to the motivations behind the attack.

Chapter 4

“A Patchwork of Patriarchies”⁴⁶²:

Why Did These Men Rape, 1795-1895

A particular type of woman was being raped in the Cape, at least according to the court records. This is not to suggest that they were the only victims of rape but simply an indication that a particular type of woman received adequate sympathy and a favourable outcome at the end of the judicial process. This does indicate that they were the most targeted group of women being sexually assaulted. This was inextricably linked to notions about their respectability, class, credibility and character. This chapter will provide statistics for the most prevalent visible rape victims at the Cape during the 19th century. This will be located in the broader theoretical discussions on women as possessions and women who were considered “rapable”. By extension, this would suggest a specific subsection of women who could never be legally raped. This was informed by changing notions of social respectability and those considered social pariahs such as prostitutes. These debates were inferred through lengthy discussions on the spread of venereal disease at the Cape. These conditions provide a platform from which to discuss the broader question about why men felt it was appropriate to rape particular types of women. Coupled with this, the very debate on nature and nurture becomes central.

4.1 Why Me?: Rape Victims in the Empire

English law defined rape as the “carnal knowledge of a woman forcibly against her will” leaving the definition open to interpretation. The judges and juries then decided how much “resistance” was necessary to warrant the charge of rape. The verdict essentially depended on whether the judge and jury believed the victim or the accused.⁴⁶³ Prospective rapists would thrive off these warped perceptions. Various factors influenced how believable the victim was. In 19th century Kent, consideration was given to the severity and lasting physical injury to the victim. The Courts were more sympathetic towards women who had been rendered “helpless”. If a woman had “escaped supervision” and was thought to have provoked the assault or allowed the “seduction”, she was not perceived as a victim of a crime.⁴⁶⁴ Stereotypes surrounding rape victims also determined who the court viewed as a victim. Magistrates dismissed 40% of cases

⁴⁶² Adapted from B. Bozzoli: “Marxism, Feminism and South African Studies”, *Journal of South African Studies*, 9(2), April 1983, pp. 139-171.

⁴⁶³ C. A. Conley: “Rape and Justice in Victorian England”, *Victorian Studies*, 29(4), 1986, p. 520.

⁴⁶⁴ *Ibid.*, p. 535.

where the victim was recorded to be a working-class woman.⁴⁶⁵ Class considerations determined a woman's character and this would ultimately determine how her rape trial would unfold.

In India of the 23 cases of rape recorded during 1805-1850, the majority involved young girls. Here young girls were more likely to have their cases result in conviction than adult women. This occurred in a context of increased rapes due to unfounded rape myths that the rape of a virgin could cure a venereal disease.⁴⁶⁶ Indian women also faced other risks when reporting rape. Often, charges of rape would be replaced with those adultery as she was the property of her husband.⁴⁶⁷ This reflects theories on rape as theft,⁴⁶⁸ but also suggests that there were social repercussions for reporting the rape such as shunning from the family and resentment from the husband.

Interestingly, most crimes in India during the 19th century considered the mental state of the accused. But for cases of rape, importance was placed on the victim whose claims and credibility were corroborated by her character, body and behaviour both before and after the assault.⁴⁶⁹ The victim's sexual history, how soon she reported the crime and the marks of physical violence also served as evidence of the crime.⁴⁷⁰ Unfortunately, Courts in colonial settings, like India, began to focus on whether the complainant was a likely victim as opposed to the details of the actual assault.⁴⁷¹ The Nazamut Adalat, the Indian equivalent of the Supreme Court, focused on a woman's "caste, tribe, strength, attractiveness and supposed intelligence and respectability".⁴⁷² Here, the fact of being born into a particular caste, which determined your place within society, complicated inter-caste rape proceedings.

Literature on South Africa during the 19th century, suggests that European women were scarce and sought after in the colony, a rare commodity. With this lack of European women, miscegenation became common at the Cape. According to scholars, although the British

⁴⁶⁵ C. A. Conley: "Rape and Justice in Victorian England", *Victorian Studies*, 29(4), 1986, p. 531.

⁴⁶⁶ E. Kolsky: "The Rule of Colonial Indifference: Rape on Trial in Early Colonial Indifference: Rape on Trial in Early Colonial India, 1805-57", *The Journal of Asian Studies*, 69(4), November 2010, p. 1099.

⁴⁶⁷ *Ibid.*, p. 1102.

⁴⁶⁸ R. Elphick & H. Giliomee (ed.): *The Shaping of South African Society: 1652-1820*, pp. 98-101.

⁴⁶⁹ E. Kolsky: "The Rule of Colonial Indifference: Rape on Trial in Early Colonial Indifference: Rape on Trial in Early Colonial India, 1805-57", *The Journal of Asian Studies*, 69(4), November 2010, p. 1096.

⁴⁷⁰ *Ibid.*, p. 1097.

⁴⁷¹ *Ibid.*, p. 1107.

⁴⁷² *Ibid.*, p. 1106.

government officially banned concubinage in the 19th century these measures were only selectively enforced. Inter-racial relations were occurring between white men and “native” women.⁴⁷³ To complicate matters further there were already issues with classifying these different groups of people. Further complications would occur if a rape had transpired.

Power structures at the Cape also meant that many could not avoid being abused. Certainly, lower classes of women, such as slaves and labourers, were at the risk of sexual violence from both upper and lower-class men. Added to this slave women were often coerced by their mistresses to “make love” with European visitors.⁴⁷⁴ This “entertainment” for white guests would benefit the slave’s master through the prospect of financial compensation and future slaves through pregnancy.⁴⁷⁵ In this environment, slave women became a sexual object for European males. Young European boys started their sexual experiences with slave girls. These interactions did not hurt the boys’ “prospects” but were rather just a form of entertainment.⁴⁷⁶ According to Scully, historians have suggested that there was “widespread violence by slave men against slave women” but what she suggests should be highlighted is the silences surrounding sexual violence committed by white men on both white and black women at the Cape during the 19th century. Her Booyesen case testifies to the importance of only certain classes of women being dominated by upper class men.⁴⁷⁷ Nevertheless, many of these encounters were rape.

Before abolition, many slave owners were reported to have their female slaves grant them sexual favours with the lure of manumission. It was even recorded that slave women were forced to sell their bodies to obtain food and clothing.⁴⁷⁸ Due to the power structures at the Cape many of these women felt that they could not refuse or escape the abuse.⁴⁷⁹ Although some literature argues that slave women utilized sexual relations with their masters to secure advantages for themselves and their children, it is difficult to determine this due to the extreme

⁴⁷³ A. Stoler: “Making Empire Respectable: The Politics of Race and Sexual Morality in 20th- Century Colonial Cultures”, *American Ethnologist*, 16(4), November 1989, p. 637.

⁴⁷⁴ R. Shell: “Tender ties: Women and the slave household, 1652-1834”, *Collective Seminar Papers: The Societies of Southern Africa in the Nineteenth and Twentieth Centuries*, 17, 1992, p. 17.

⁴⁷⁵ P. L. van den Berghe: “Miscegenation in South Africa”, *Cahiers d’etudes africaines*, 1(4), 1960, p. 70.

⁴⁷⁶ *Ibid.*

⁴⁷⁷ P. Scully: “Rape, Race and Colonial Culture: The Sexual Politics of Identity in the 19th Century, Cape Colony, South Africa,” *The American Historical Review*, 100(2), 1995, pp. 356-357.

⁴⁷⁸ C. Crais & P. Scully: *Sara Baartman and the Hottentot Venus: A Ghost Story and a Biography* (Princeton: Princeton University Press, 2009) p. 37.

⁴⁷⁹ V. C. Malherbe: “Ten Reasons for Not Marrying: Sex and Illegitimacy in Mid-Nineteenth Century Cape Town”, *Historia*, 52(2), November 2007, p. 206.

inherent power these men held over the slave women.⁴⁸⁰ Adding to these views on slaves, “native” women of the Cape were regarded as sexually unprincipled and promiscuous.⁴⁸¹ Existing theories then explain that rape in South Africa became about controlling women and rape as a sexual outlet in these settings of political violence and brutalising environments.

Slave men too struggled to find partners at the Cape. Instead of addressing their anger towards slaveholders, many of these men reacted in acts of jealousy and violence.⁴⁸² Coupled with 19th century views on black men as uncivilized and crudely sexual,⁴⁸³ crimes of rape, in this context, became about exerting power and dominance and preserving one’s access to women.⁴⁸⁴

Prostitution, during the 19th century Cape Colony, was “acceptable” due to “natives” liberal views towards morality.⁴⁸⁵ By the turn of the 20th century, the Cape saw an increase in European prostitutes. Legislation at the Cape attempted to curb these women taking on “native” clients, whilst Transvaal, Natal and Rhodesia prohibited all sexual relations between black and coloured men and white women. White men’s sexual relations on the other hand were unrestricted.⁴⁸⁶

In order to contextualise rape at the Cape during the 19th century it is necessary to draw on what existing literature has already suggested. Firstly, the most severe cases of rape were those where the victim was “unmarriagable”⁴⁸⁷ or a married woman in the Christian rite. The punishment for defiling these victims was the passing of the death penalty. If a woman was married this served as an indication of her Christian morals, similarly “unmarriagable” girls had the potential to be one of these women of high moral standing. A woman’s honour referred

⁴⁸⁰ J. Murray: “Gender and Violence in Cape Slave Narratives and Post Narratives”, *South African Historical Journal*, 62(3), 2010, p. 450.

⁴⁸¹ *Ibid.*, p. 456.

⁴⁸² P. van der Spuy: “‘What then was the Sexual Outlet for Black Males?’ A Feminist Critique of Quantitative Representation of Women Slaves at the Cape of Good Hope in the 18th Century”, *Kronos*, (23), 1992, p. 45.

⁴⁸³ D. Lewis: “Representing African Sexualities” in S. Tamale: *African Sexualities: A Reader*, p. 199.

⁴⁸⁴ P. van der Spuy: “‘What then was the Sexual Outlet for Black Males?’ A Feminist Critique of Quantitative Representation of Women Slaves at the Cape of Good Hope in the 18th Century”, *Kronos*, (23), 1992, p. 47.

⁴⁸⁵ R. Hyam: *Empire and Sexuality: The British Experience*, p. 207.

⁴⁸⁶ T. Keegan: “Gender Degradation and Sexual Danger: Imaging Race and Class in South Africa”, *Journal of South African Studies*, 27(3), 2001, p. 464.

⁴⁸⁷ Scully defines “unmarriagable” as girls not yet menstruating in P. Scully: “Rape, Race and Colonial Culture: The Sexual Politics of Identity in the 19th Century, Cape Colony, South Africa,” *The American Historical Review*, 100(2), 1995, p. 343.

to both herself and the man of the family. This honour, as well as the status of the woman, affected court procedure greatly. This could determine if the rape was reported, how it was assessed by the court, and even the severity of the sentence.⁴⁸⁸ Young women who were unmarried were usually working-class women, and more specifically black women.

Until the end of the 19th century, most unmarried⁴⁸⁹ women were free blacks, women of colour and slaves. Marriage therefore served as a cultural marker to determine who was worthy of the court's protection. Women who were not white were not regarded as deserving the same status and respect.⁴⁹⁰ This status and respect was also determined based on the degree of injury the woman experienced. These perceptions were also visible amongst those tasked with upholding the law. Justice Menzies, for example, believed that the degree of injury caused to the woman was determined by the class to which she was associated. He was of the opinion that "certain women in the lowest ranks on whom rape has been committed suffer much less injury from degradation in the opinions of their associates, than would be occasioned to women in a higher rank of life."⁴⁹¹ Hence the lower sentencing trends. However, as highlighted by Scully, Governor Napier appeared to disagree with this and questioned why a woman's class defined the levels of protection she received.⁴⁹² This is evidence of the inconsistent and varying perceptions of rape, race and class in the judiciary.

A woman's sexual history outside of marriage also affected her treatment by the court. In cases where women had previous sexual experiences, the court could react by dismissing her rape charges. In one instance a woman was even referred to as a "strumpet".⁴⁹³ Literature suggests that slave women and women of the lower class were identified as the sexual outlet for males at the Cape. Attention should then be drawn to the class of these rape victims in order to understand why these rapes occurred.

⁴⁸⁸ P. Scully: "Rape, Race and Colonial Culture: The Sexual Politics of Identity in the 19th Century, Cape Colony, South Africa," *The American Historical Review*, 100(2), 1995, pp. 343 -344.

⁴⁸⁹ "Unmarried" here referring to women who were not married in the Christian church, in P. Scully: "Rape, Race and Colonial Culture: The Sexual Politics of Identity in the 19th Century, Cape Colony, South Africa," *The American Historical Review*, 100(2), 1995, p. 344.

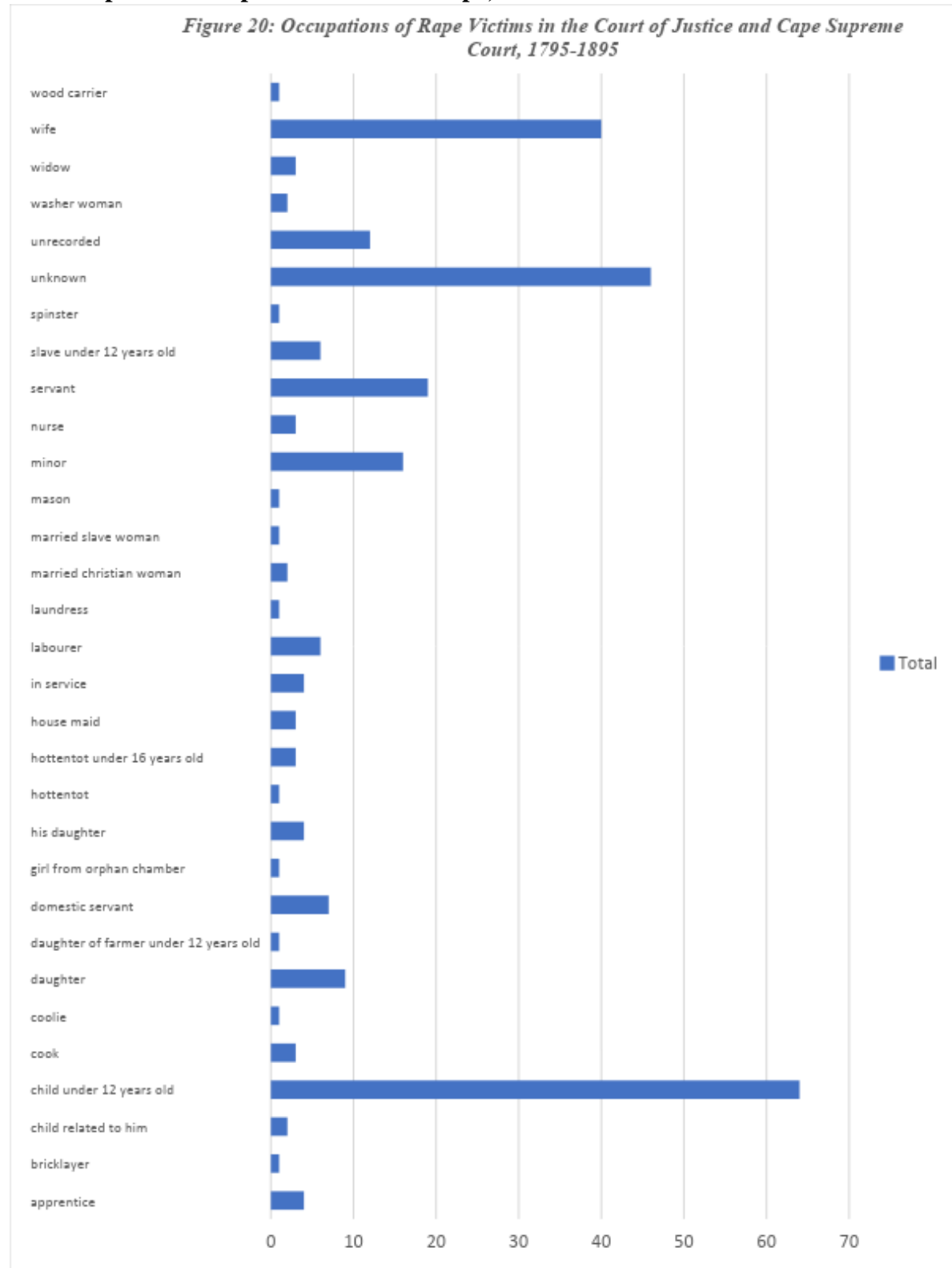
⁴⁹⁰ P. Scully: "Rape, Race and Colonial Culture: The Sexual Politics of Identity in the 19th Century, Cape Colony, South Africa," *The American Historical Review*, 100(2), 1995, p. 343.

⁴⁹¹ CA, CO 521, No.16, Justice Menzies to Governor Napier, February 10, 1843.

⁴⁹² P. Scully: "Rape, Race and Colonial Culture: The Sexual Politics of Identity in the 19th Century, Cape Colony, South Africa," *The American Historical Review*, 100(2), 1995, p. 346.

⁴⁹³ *Ibid.*, p. 345.

4.2 Occupation of Rape Victims in the Cape, 1795-1895



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⁴⁹⁴ For the cases used for this statistic see Appendix A, 7.1.

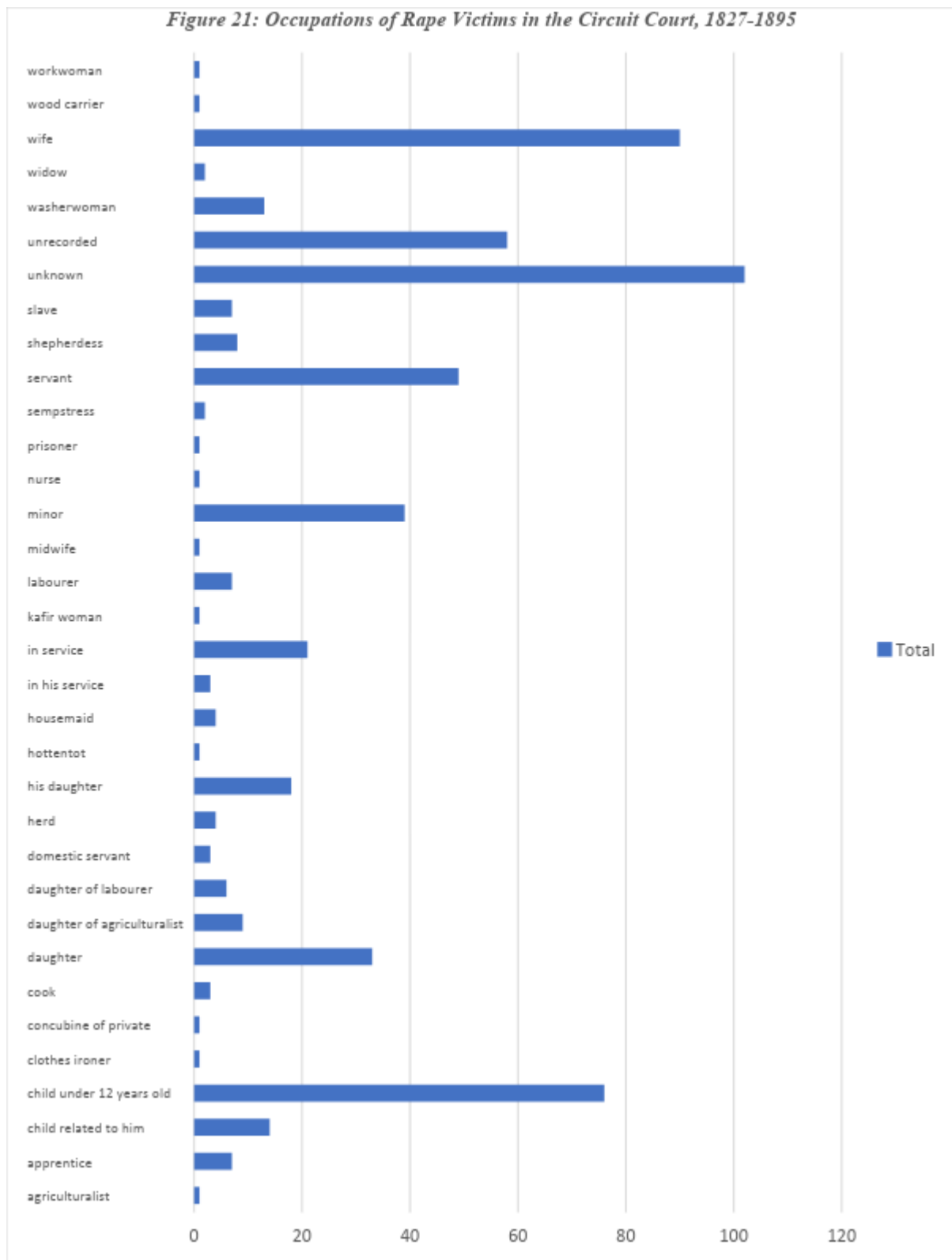
Through the Court of Justice and Supreme Court records it is evident that during the late 18th century and early 19th century slaves and children under the age of 12 were the most frequent victims of recorded rapes.⁴⁹⁵ There was an increase in Hottentots raped during the early 1800s and the 1820s and 1830s saw high incidences of married women, Hottentots and slaves being the victims of rape. There was a substantial amount of rape victims during the 1840s and 1850s whose occupation was either unrecorded or listed as unknown. From the 1850s the most prevalent group of rape victims was labourers, this continued into the 1860s along with children under the age of 12.

From the 1870s – 1890s majority of recorded rape victims were children under the age of 12, married women and labourers. The occupation most prevalent was “unknown”, this could be explained by the court genuinely being unaware of the victim’s occupation, the victim being resistant about revealing her occupation or perhaps just the procedure of the court which cared little to ascertain the occupation of the rape victim. Of importance is the absence of any category of unemployed women. This would be the most likely explanation for the use of the term, “unknown”.

Married women were not necessarily raped more frequently but rather due to the structural leaning of the court during this time, being a married woman or a young girl would result in a sympathetic judicial process. This “protection” could have led to more of these rapes being reported. The same can be said for the recorded rapes of children under 12.

Young girls and married women being the most prevalent rape victims in the urban courts fits the broader colonial picture. Here this is not necessarily an accurate reflection of who was raped but rather who the British Empire and Cape viewed as being capable of being raped. It is then necessary to assess if these trends were evident throughout the Cape district as well.

⁴⁹⁵ See Addendum A for a breakdown of occupations of rape victims per year.



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⁴⁹⁶ This data is only recorded from 1827 as this was when the first case was recorded in the Circuit Court. For cases used for this statistic see Appendix A, 7.2.

According to the Circuit Court records, the 1820s saw mostly slaves, married women and children under the age of 12 as rape victims. The 1830s to the 1860s saw high incidence rates of children under 12 and married women being the victims of rape crimes. There was also the occasional Hottentot victim. The 1870s – 1890s consisted mainly of labourers, children under 12 and married women. In both sets of records, similarities can be seen. The most frequently reported occupations of victims were children under 12 and married women. The much larger numbers of “wives” being recorded is suggestive of the greater importance placed on the sanctity of marriage especially in the outlying districts.

4.3 “The Stock”⁴⁹⁷: All Women are Possessions, Some Are Just Worth More Than Others

Globally, theories of rape suggest that colonised men felt the need to control women. As these men were usually raised in traumatic environments, they experienced feelings of low self-esteem.⁴⁹⁸ Furthermore, through their social environments these men learnt and imitated behaviour.⁴⁹⁹ Both slaves and women were considered possessions and slave men felt similar ownership over the female slave body, as did their masters. This thinking also explains why cases of rape resembled cases of theft. This has historical roots in the perception that women were mere possessions.⁵⁰⁰ Elphick and Giliomee have argued that slaves, during this period were not only regarded as their master’s property but they were seen as an investment. Furthermore, if this “investment” was damaged it would be viewed as another man taking what was not theirs.⁵⁰¹ This notion of property is not only evident in slaves but could also be linked to the white fear of “natives” stealing their “property” in the form of white wives. Echoing the theory of slaves being property, slaves were not only viewed as an investment but also a means

⁴⁹⁷ A. Stoler: “Making Empire Respectable: The Politics of Race and Sexual Morality in 20th- Century Colonial Cultures”, *American Ethnologist*, 16(4), November 1989, p. 644.

⁴⁹⁸ N. Malamuth, R. Sockloskie, M. Koss & J. Tanaka: “Characteristics of aggressors against women: testing a model using a national sample of college students”, *Journal of Consulting and Clinical Psychology*, 59, 1991, pp. 670–681; N. Malamuth, D. Linz, C. Heavey, G. Barnes & M. Acker: “Using the confluence model of sexual aggression to predict men's conflict with women: a 10 year follow up study”, *Journal of Personality & Social Psychology*, 69, 1995, pp. 353–369; N. Malamuth: “Criminal and non-criminal sexual aggressors. Integrating psychopathy in a hierarchical-mediational confluence model”, *Annals of the New York Academy of Science*, 989, 2003, pp. 33–58.

⁴⁹⁹ J. V. P. Check & N. M. Malamuth: “An Empirical assessment of some feminist hypothesis about rape”, *International Journal of Women’s Studies*, 8, 1985, pp. 414-423; E. Donnerstein: “The effects of exposure to violent pornographic mass media images”, *Engage Social Action*, 13, 1985, pp. 16-19.

⁵⁰⁰ R. Elphick & H. Giliomee (ed.): *The Shaping of South African Society: 1652-1820*, pp. 98-101.

⁵⁰¹ *Ibid.*

through which one could increase status.⁵⁰² Non-conforming slave males were also persecuted more harshly.

Damage of this “property” would not only mean not getting a return on the investment but also damaging one’s status. This is evident too when white men found commonality with black labourers over the rape of a rural working-class woman.⁵⁰³ In the post-emancipated Cape there existed a link between racial and sexual domination. Here white men saw black women’s bodies as their property. It is even possible that these men saw their sexual abuse of black women as particularly important in maintaining white sexual dominance.⁵⁰⁴ Ascertaining race, however, is largely problematic because of the porous nature of racial classifications at the time. However, certain women were so respectable that they needed to be protected at the expense of others. They acted as a vehicle to “keep the boys happy” and the turbulent colony in a state of calm.

4.3.1 Respectability and Rape in the Court Proceedings

As evident in Britain and its colonies, a woman’s victimhood was judged on her level of respectability. It is through this constructed lens, along with the bias that formed this ideal, that certain women’s rapes became worthy of being reported and condemned. As suggested in Britain and India, certain preconditions were necessary throughout the case in order to warrant the support of the court. Through selected cases, an investigation will be conducted on whether a woman’s occupation had an effect on sentencing. Here attention will be drawn to certain “markers” of these women’s respectability, physical signs of injury, and signs of resistance.

On the afternoon of 21 June 1816, 25-year-old slave Appollos happened to see Mary Fowler, a Christian woman married to Private John Mackey.⁵⁰⁵ Appollos watched Mrs Fowler peacefully walking home with a tub of washing balanced on her head. In a strange turn of events, he knocked the tub of washing from her head and began to sexually assault her. He

⁵⁰² R. Elphick & H. Giliomee (ed.): *The Shaping of South African Society: 1652-1820*, pp. 98-101.

⁵⁰³ P. Scully: *Liberating the Family? Gender and British Slave Emancipation in the Rural Western Cape, South Africa, 1823-1853*, 1997, p. 171.

⁵⁰⁴ *Ibid.*, p. 172.

⁵⁰⁵ KAB CJ 809, case 25, slave Appollos, pp. 583-588, KAB CJ 809, case 28, slave Azor of the Cape, pp. 621-629 and KAB CJ 816, “Hottentot” Klaas Platje, pp. 1071-1081.

muffled her cries with mounds of clay. As he was about to “have connection”, Private Joseph Jubilee rushed to the woman’s assistance. Realising what he had done, Appollos attempted to flee the scene. He was apprehended. After his “voluntary confession”, he was found guilty of violence and an attempt to ravish a “married Christian woman”. Not even three months later, Appollos was sentenced to be hung by the neck until dead.⁵⁰⁶ In this case Mary Fowler’s respectability was attributed to her married status and her obvious cries for help and attempts at resisting the onslaught. Similar to this case is that of Azor.

Late one evening in July 1816, a slave of Coenraad Laubicher by the name of Azor was in the square by Loop street. Prior to this Azor had escaped from his owner. On this night Martha Frost, wife of Private William Cavins, was on her way to her husband’s place of work to see why he had not yet returned home. Her husband informed her that he had permission to stay out that night and that she should rather return home. Whilst on her way home, Azor emerged from the square. He continued to approach Martha from behind. In a surprise attack he used a handkerchief to strangle her around the neck and proceeded to pull the married Christian woman down into a ditch. Martha, completely startled by the experience, fainted amongst the mud and dirt. Fortunately for her, two slave men approached the scene after hearing suspicious sounds. Azor was found lying on top of Martha with her petticoat lifted. Upon realizing that he had been found, Azor attempted to escape the scene. He was captured by some soldiers who had also approached the scene after hearing noises. It was then that Martha woke up.

Two months later, Azor was found guilty of committing violence on a married Christian woman with the intention to rape her. He was sentenced to be hung to death.⁵⁰⁷ Again, this death penalty is evidence of the court believing the testimony of Martha. Her case was certainly aided by her married status, her reaction to the assault and the fact that her attempts to resist the attack caught the attention of other men, who were able to rush to her assistance. The soldiers that captured her rapists would have no doubt testified to her credibility as a respectable woman. In both of these cases, the rape of a married Christian woman was instrumental in securing the death sentence. The fact that both men were classified as slaves did not help their

⁵⁰⁶ KAB CJ 809, case 25, slave Appollos, pp. 583-588, 1816.

⁵⁰⁷ KAB CJ 809, case 28, slave Azor of the Cape, pp. 621-629, 1816.

cause. Additionally, in the latter case, the accused was a runaway slave – the worst possible kind.

Being a runaway slave resulted in severe conviction even if the victim was a slave herself. In the case of “Hottentot” Klaas Platje, a 20 year old runaway slave, who was captured by his master, Botha on the 6th of October 1822, Platje confessed to having “committed a crime”. In the month of July, he attempted to assault a young slave girl, Rachel. She too belonged to Botha. Rachel was attacked and began to scream. Platje began to strangle the girl and force himself on her. It was only after the act that he noticed her eyes roll back and so he quickly loosened the “thong” that was strangling her. Semi-conscious, Platje placed her beneath a bush. The young girl remained unresponsive and so he placed her body in the river. Once apprehended, Platje revealed the spot where he had disposed of her body and a search was conducted. Five months after the rape and murder of Rachel, Platje was found guilty of raping a six year-old with such violence that the result was death. He was sentenced to be hung by the neck until dead.⁵⁰⁸ Not only was her age a mitigating circumstance but so too was the fact that Botha had lost a slave girl. The passing of the death sentence was therefore deemed justified.

Similarly brutal attacks, however, did not always result in the most severe of sentences. On the 11th of September 1808, the wife of Jan Theumins unsuspectingly sent out her eight-year-old daughter to the house of Johan George Lodewyk Fleischakker. Young Mafsia set out on her journey to buy raisins on her mother’s request. On her arrival, Fleischakker surprised the child by locking the front door and undressing himself. Mafsia began to scream. Fleischakker quickly muffled her cries with his hands. He then proceeded to force Mafsia’s clothes off and pounced on her. The traumatized child complained to her parents of her pain and was shortly after examined by a medical practitioner. According to her examiner she was both bleeding and inflamed, to which there was no other explanation than rape. Johan George Lodewyk Fleischakker was then apprehended and found guilty of ravishing a child. Almost two years later he was sentenced to be severely scourged with rods on the bare back, banished from the colony and sent to Robben Island.⁵⁰⁹ Similar to this is the case of Bouche.

⁵⁰⁸ KAB CJ 816, “Hottentot” Klaas Platje, pp. 1071-1081, 1823.

⁵⁰⁹ KAB CJ 803, case 3, Johan George Lodewyk Fleischakker, p.545, 1810.

Jan Bouche was sentenced to be scourged then branded and put in public works for 10 years without pay.⁵¹⁰ On the evening of 15 July 1808, seven-year-old Elizabeth, daughter of Thomas Mest, was visiting at her neighbour's house. The three children, Elizabeth and her neighbours - Carel and Carolina, were in the kitchen when Jan Bouche first set his eyes on Elizabeth. Bouche ingratiated himself with the children by playing card games with all three. This was followed by storytelling, during which he blew out the kitchen candle, which was quickly relit by one of the children. Realizing that he needed to get Elizabeth alone, Bouche sent Carolina and Carel out to buy figs. As soon as the two children had left, Bouche locked the front door, blew out the candle and forced Elizabeth onto the kitchen table. Elizabeth, obviously petrified by the sequence of events, began to cry. The next morning her sister, Nancy, noticed some suspicious stains on Elizabeth's shirt and relayed this to their mother. At first these stains were written merely as a cold but as it became evident that Elizabeth could hardly walk, a medical examiner was contacted. Upon examination semen was discovered as well as inflammation, swelling, and a horrific tear in the lower part of her body. There was also evidence of a yellow slimy discharge. These conditions, according to the examiner, led to the conclusion that Elizabeth had been violently raped. Thomas Mest, her father, immediately confronted and apprehended Jan Bouche. He was found guilty of raping a girl "not fit for copulation". Just short of a whole 5 years after this traumatic experience, Bouche was sentenced to be severely scourged with rods on the bare back, then to be branded and put in the public works for 10 years without wages.⁵¹¹ In this case Bouche's victim was also a young girl who not only cried out in resistance but who also exhibited obvious physical injuries and even evidence of semen. Despite these "respectable" markers, this case did not result in the passing of the death penalty.

These two rape cases, recorded the victims as girls under the age of 12, thus also placing them – according to the literature – under the "protection" of the court. These girls would have been protected due to their potential value to the patriarchal Cape men. However, these two cases did not result in the death penalty despite the favourable conditions for this sentence. The occupation of the rapist should then be contemplated. As both of these cases do not specify the occupation of the rapist, a possible explanation for this sentence is that these men were not in the lower class – this can be assumed as the occupation of slaves or labourers was usually

⁵¹⁰ KAB CJ 805, case 20, Jan Bouche, pp. 573-583, 1813.

⁵¹¹ KAB CJ 805, case 20, Jan Bouche, pp. 573-583, 1813.

specifically mentioned. Of significance is that the sentencing of these two crimes took years to occur, which is indicative of the strange nature of these particular rapes.

Oddities do, however, exist which reflect the arbitrary nature of the judicial process. In the case of Benjamin White Clinch, a corporal in the Marines, charged with the assault of a widow, Mary Anne Eckles on the 8th of January 1877 in Simons Town, he was found guilty despite the fact that the court had established her to be a “reputable” witness.⁵¹² Her value, or rather lack thereof, to the broader Cape society was no doubt a compelling factor not to mention the relative status of the accused. Status of the accused rapist also played a role in the non-conviction of tailor Henry Adderly Scott, accused of raping the infant daughter of agriculturalist Johannes Josephus Esterhuyze in Clanwilliam on the 26th of August 1851.⁵¹³ One is confronted with the realities of urban versus rural courts in this instance. Men with relative stature had a much better chance of remaining hidden from the law or even securing a non-conviction in rural courts than in the Cape Supreme Court.

In the rural courts, “respectability” of the victim was also even more fluid. In the Worcester court of 20 January 1843, a labourer by the name of Mentor Klouters assaulted a young servant girl by the name of Rozet. He was sentenced to death on the 13th of November 1843. In this peculiar case, a public protector came to the assistance of Rozet’s case. In this testimony it was stated that Rozet was “a female of colour”, that she was only 14 years old and had not had “carnal connection” with a man before.⁵¹⁴ The court was instructed about the girl’s race, physical injuries, attempts at resistance, lack of previous sexual experience and young age. In this case, despite her servant status and race, Rozet was presented to the court as a “respectable” girl despite her age. The testimony of this particular age group was normally treated with even greater suspicion.

Through the statistics and few cases presented in this section, it becomes evident that married women and children were most frequently under the courts protection because they were of value to the men of the Colony. They were considered the most vulnerable members of Cape

⁵¹² KAB CSC 1/1/1/25, Benjamin White Clinch, no.6, 1877.

⁵¹³ KAB CSC 1/2/147, Hendry Adderly Scott, no.18, 1851.

⁵¹⁴ KAB CSC 1/2/1/32, Mentor Klouters, no.5, 1843.

society and as such, were also the most vulnerable to attack by rapists. This would explain why they are the most prevalent groups visible in the court proceedings. Levels of respectability were rather arbitrary and not restricted to the profession of the victim but was largely determined through the judicial process. Respected men who transgressed their patriarchal role were severely punished.

“Respectable” men such as schoolmasters were even found guilty of crimes of rape. For example, in Graaff Reinet, a man by the name of Oloff Abraham Servaas de Meyer was accused of assault with intent to rape. On the 12th of August 1831 it was recorded that he assaulted a six year old by the name of Susanna Margaretha Matthysen. Despite the fact that he pleaded not guilty, the court convicted and sentenced him to 12 months in the goal of Graff Reinet on the 3rd of May 1832.⁵¹⁵ In the court of Beaufort West, Fraserburg and Sutherland another schoolmaster was accused of rape. On the 19th of January 1889, Belville Montochio or Juan des Fernandas, assaulted a 12 year old by the name of Jacoba Aletta Wilhelmina Burger. On this day he lifted her clothes, lay on top of her and pressed himself up against her. Later that month he cornered another young girl by the name of Elizabeth Burger. He also lifted the clothes of this child and attempted to ravish her. On this same day he assaulted Jacoba Aletta Wilhelmina Burger yet again. Once apprehended he pleaded not guilty before the court. Unconvinced, this court sentenced the schoolmaster to 18 months of imprisonment with hard labour.⁵¹⁶ Theories of rape suggest that if these kinds of men were running schools, their influence may have served as a social environment and stimulus for learning and imitation and ultimately a method of acquiring new behaviour.⁵¹⁷ Here, breaching respectable behaviour resulted in a conviction, even if this resulted in a rather measly sentence.

Another group of men who were severely punished were those who committed incest. Scully suggests that only men of the lower classes were involved in acts of incest during her period of study in the 19th century. She specifies that she “found no cases of incestual rape within white middle-class or farming families in the records” and that she “found only a handful of cases

⁵¹⁵ KAB 1/2/1/9, Oloff Abraham Dervaas De Meyer, no.15, 1831.

⁵¹⁶ KAB 1/2/1/104, Belville Montochio, no.1, 1889.

⁵¹⁷ A. Bandura: *Social Learning Theory*, 1977, p. 22.

relating to incest, and they involved only men of the laboring or skilled working class”.⁵¹⁸ This is evident throughout the 19th century as evident with the case of James Robert Lennox. Here, this baker from Cape Town was found guilty of assault with intent to commit a rape. On the 26th of November 1888 Lennox lay with his body on top of his daughters, forced her legs apart and placed himself against her. Although his plea was not guilty, the court sentenced him to 25 lashes and five years imprisonment with hard labour in May 1888.⁵¹⁹

A similar case, which also appeared in the Supreme Court in 1888 was that of John du Preez. In this case, the shoemaker was accused of assault with intent to commit rape. It was recorded that on the 5th of July 1888 he assaulted his minor daughter, Mimmie du Preez. On this day the man instructed his daughter to lay on the ground, threatened her with beatings and continue to lift her clothes. Later in July that same year du Preez again pushed his daughter to the ground, lifted her clothes and placed himself against her. In August too he assaulted her again. Despite each of these instances, the court found the shoemaker not guilty and he was discharged.⁵²⁰

While much can be said about the visible victims of these crimes, attention should be given to the glaring absence of particular types of women who were neglected in the court proceedings. No court cases involving known prostitutes could be located in the records, however, most of the unusual cases involving men not belonging to the labouring class involved men deemed to frequent prostitutes, namely men in the military.

4.3.2 “Which Bodies Mattered”⁵²¹?: Non-Conforming Women at the Cape

This particular period in Cape history saw two particular colonial obsessions: prostitution and venereal disease. Women who either fell into this category of profession or women who exhibited signs of disease found themselves on the margins or the subjects of scrutiny. Much

⁵¹⁸ P. Scully: “Rape, Race and Colonial Culture: The Sexual Politics of Identity in the Nineteenth- Century Cape Colony, South Africa”, *The American Historical Review*, 100(2), April 1995, p. 350.

⁵¹⁹ KAB CSC 1/1/1/34, James Robert Lennox, no.15, 1888.

⁵²⁰ KAB CSC 1/2/1/103, John du Preez, no.8, 1888.

⁵²¹ Adapted from: Z. Magubane: “Which Bodies Matter? Feminism, Poststructuralism, Race and the Curious Theoretical Odyssey of the ‘Hottentot Venus’”, *Gender and Society*, 15(6), December 2001.

of these “vices” were located in Cape Town, thus providing an interesting foundation from which to discuss the glaring differences in rapes reported between urban and rural courts.

According to Trotter, prostitution has occurred “since the beginning of time” with the most prominent of women engaged in this trade being female slaves. These women performed their trade in the slave lodge, which doubled as a brothel.⁵²² Shell explained that slave women were also often forced to “make love” to European visitors.⁵²³ The slave lodge, or brothel, exposed many slaves to contagious diseases as well as smallpox, dysentery, measles and infectious diseases.⁵²⁴ This brothel continued to exist into the 17th and 18th centuries.⁵²⁵ Here, European soldiers and sailors would “visit” the lodge every evening.⁵²⁶ According to van den Berghe, not only did these slaves provide a service to the “line of soldiers” who waited to enter the slave lodge each night but through these “interactions” the slave population was multiplied without new slaves having to be imported.⁵²⁷ It then becomes evident that efforts needed to be made to decrease venereal disease, which was decided to be done through controlling prostitution.⁵²⁸ If a soldier became infected with a disease, he was required to state from which woman he had caught the disease.⁵²⁹

The 19th century saw slave girls being assigned to the bedrooms of white guests. This aided the slave girl’s master by decreasing the cost of her upkeep (through his gifts to her) and through the children which she bore, increasing his slave population.⁵³⁰ Slave masters themselves also instructed their female slaves to grant them sexual favours, with the enticement of manumission.⁵³¹ Due to the patriarchal nature of the Cape and the power structure within society, there were few cases where these women attempted to fight their masters off or run

⁵²² H. Trotter: *Sugar Girls and Seamen – A Journey into the World of Dockside Prostitution in South Africa* (South Africa: Jacana Media, 2008) p. 7.

⁵²³ *Ibid.*, p. 17.

⁵²⁴ *Ibid.*, p. 126.

⁵²⁵ R. Elphick & R. Shell: “Intergroup relations: KhoiKhoi, Settlers, Slaves and Free Blacks, 1652-1795, 1979, p. 195.

⁵²⁶ *Ibid.*

⁵²⁷ P. L. van den Berghe: “Miscegenation in South Africa”, *Cahiers d’etudes africaines*, 1(4),1960, p.69.

⁵²⁸ *Ibid.*, p. 93.

⁵²⁹ *Ibid.* p. 93.

⁵³⁰ P. L. van den Berghe: “Miscegenation in South Africa”, *Cahiers d’etudes africaines*, 1(4),1960, p. 70.

⁵³¹ V.C Malherbe: “Ten Reasons for Not Marrying: Sex and Illegitimacy in Mid-Nineteenth Century Cape Town”, *Historia*, 52(2), November 2007, p. 206.

away to escape the abuse.⁵³² It was also not unusual for white men to begin their sexual experiences by exploiting slave women. These relations continued into the man's married life.⁵³³

As homosexuality, especially in the military, was a large concern for the Cape, prostitution served as a form of stability for these men. As it was preferable for a man to have sex with a woman and not another man, prostitution provided this outlet as well as the sexual vent that they needed to feel masculine. Van Heyningen confirms that there was no public outcry against prostitution and that although it was considered a "social evil", ironically it was also deemed a "necessary evil" to protect public morals.⁵³⁴

According to Burrows, the Contagious Diseases Act, No.25 of 1868 aimed to "prevent the spread of contagious diseases at the military and naval stations of the colony". This "harsh" Act, was similar to British legislation and specifically aimed to counteract the effects of prostitution on military stations.⁵³⁵ The Act, however, saw the forming of an association for its repeal by Attorney General William Porter and Saul Solomon where the main objection was that the Act recognized prostitution as a crucial part of society. More than 500 000 signed the petition.⁵³⁶ Additionally, the 1868 Act was regarded as unsatisfactory due to the unruly inspections and lack of privacy from Medical Officers.⁵³⁷

The 1883 Health Acts differed in that they included Bantu territories by 1892 as well as Uitenhage and Knysna. This Act was argued to have decreased the incidence of venereal disease, as evident through the statistics from the Naval Hospital of Simons Town where infected persons decreased from 123 (in 1888) to 83 (in 1893). The remaining disease was blamed on prostitution. In addition to this, the Native Affairs Departments compelled headmen

⁵³² V.C Malherbe: "Ten Reasons for Not Marrying: Sex and Illegitimacy in Mid-Nineteenth Century Cape Town", *Historia*, 52(2), November 2007, p. 206.

⁵³³ P. L. van den Berghe: "Miscegenation in South Africa", *Cahiers d'études africaines*, 1(4), 1960, p. 70.

⁵³⁴ E. van Heyningen: "Social Evil in the Cape Colony, 1868 – 1902: Prostitution and the Contagious Diseases Acts," *Journal of Southern African Studies*, 10(2), 2003, p. 173.

⁵³⁵ E. H. Burrows: *A History of Medicine in South Africa – Up to the End of the 19th Century* (Cape Town: Balkema, 1958) p. 304.

⁵³⁶ *Ibid.*, p. 305.

⁵³⁷ P.W. Laidler & M. Gelfand: *South Africa: It's Medical History 1652-1898: A Medical and Social Study*, 1971, pp. 454-460.

to report all syphilis and leprosy cases. These reports revealed that there was widespread syphilis, especially amongst Africans.⁵³⁸ A report in 1882 revealed that syphilis affected 23 out of 67 districts at the Cape; 37 out of 68 in 1883; 57 districts in 1884; 63 in 1885 and 67 districts in 1886.⁵³⁹

By 1885 the Colonial Medical Committee had requested another Contagious Diseases Act and in the same year the Contagious Diseases Act No.39 of 1885 was passed. This act received no opposition. Part 1 of the Act was concerned with registration and regulation of prostitutes and Part 2 dealt specifically with syphilis in rural areas and gave District Surgeons the power to place any person suffering from a venereal disease under medical treatment. Van Heyningen states that in 1886 according to the Colonial Medical Committee there were now 400 prostitutes at the Cape, who were not under medical surveillance. By 1888 a Lock hospital had been established in Roeland Street. During this period, according to the source, most cases of syphilis were located in country districts, but the Act was limited to the seaports of Cape Town.⁵⁴⁰ Regarding the Lock hospitals, it is important to note that Gonorrhoea could only be scientifically diagnosed after 1879. Syphilis diagnosis also remained vague and doubtful until the Wasserman test in 1906.⁵⁴¹ Here van Heyningen reveals the statement of a surgeon in charge of the Lock hospital who admits that he was unable to distinguish between Gonorrhoea and Leucorrhoea. He states that the “female character” aided him with his diagnosis. It is from this that Van Heyningen deduces that the Act attracted men who were biased against women and/or prostitutes.⁵⁴²

By 1888 throughout the Cape there were 1929 males and 1510 females infected, with the greatest numbers occurring in Humansdorp. Those who reported for examination were registered and according to this source, “permanently damned”.⁵⁴³ The Betting Houses and Brothel Suppression Act 36 of 1902 abolished Part 1 of the Contagious Diseases Act. This Act

⁵³⁸ P.W. Laidler & M. Gelfand: *South Africa: It's Medical History 1652-1898: A Medical and Social Study*, 1971, pp. 454-460.

⁵³⁹ E. van Heyningen: “Social Evil in the Cape Colony, 1868 – 1902: Prostitution and the Contagious Diseases Acts,” *Journal of Southern African Studies*, 10(2), 2003, p. 177.

⁵⁴⁰ *Ibid.*, p. 178.

⁵⁴¹ *Ibid.*, p. 195.

⁵⁴² *Ibid.*, p. 196.

⁵⁴³ P.W. Laidler & M. Gelfand: *South Africa: It's Medical History 1652-1898: A Medical and Social Study*, 1971, pp. 454-460.

was thought to reduce numbers however this source reveals that this only thrust women into clandestine activities. It is argued that there was still the same amount of prostitution, but women simply did not report incidence due to a fear of the police. The Government by this time had the power to isolate those suffering from syphilis to particular hospitals. Here, provision was made to separate coloured and white patients as well as the sexes. Patients remained here until deemed “cured” by the Doctor.⁵⁴⁴

The 1890s in South Africa saw a large increase in European prostitutes who were punished by the law if they took “natives” as clients. At the same time in Transvaal, Natal, and Rhodesia all sexual relations between black and coloured men and white women were prohibited. In contrast, the sexual activities of white men were completely unrestricted.⁵⁴⁵ White prostitutes who had intercourse with black men were considered problematic to Cape society as they allowed black men to then return home with these ideas and to think that their advances would be accepted by all white women.⁵⁴⁶ In cases where white woman of the lower class were convicted of having sex with black men, their sentences were more lenient. This was due to the court seeing these women as having “weak intellect”. Keegan concludes that their status changed the severity of the crime.⁵⁴⁷

Finally, of great significance, Katherine Elks who studied police and crime at the Cape during 1825-1850 and focused on crimes such as drunkenness, common assault, prostitution, gambling and vagrancy reports that these more common and “seemingly trivial” infringements were represented more in social tensions and problems within the community.⁵⁴⁸ Obsession on prostitution and venereal disease in the latter half of the century also corroborates the lower rape reporting rate ratios in comparison to population size, as discussed in Chapter 2. Rapists who did appear in the records, normally involved men with undesirable tendencies, such as soldiers.

⁵⁴⁴ T. Keegan: “Gender Degradation and Sexual Danger: Imagining Race and Class in South Africa,” *Journal of South African Studies*, 27(3), 2001, p. 488.

⁵⁴⁵ *Ibid.*, p. 464.

⁵⁴⁶ *Ibid.*, p. 465.

⁵⁴⁷ *Ibid.*, p. 465.

⁵⁴⁸ K. Elks: “The Police and Crime in Cape Town 1825-1850,” *Kronos*, 12, 1986, p. 43.

In the case of Michael Reilly on the 10th of May 1824, for example, the 22 year old man was in the stable of Colonel Daniel. Reilly, who was a private in the 49th regiment, met Alice Haynes on this day. Haynes, who was only seven years old, had stopped by the stable with a dog. Reilly raped her. Later that evening when young Alice Haynes' mother was readying her for bed, she noticed that there was blood on the child's clothes. Alice relayed the events of the assault only after her mother had beaten her. Her mother immediately reported the crime to Sergeant Major Donald who began searching for and eventually found the prisoner. The child was then examined and there was, according to the examiner, signs of irritation, evidence of external violence and blood stains. Private Michael was found guilty of attempting to commit a rape and was sentenced to be severely scourged with rods on his bare back and banished from the colony for seven years to Robben Island on the 2nd of June 1824.⁵⁴⁹ There are a variety of other cases which also include a private, or other non-labouring classes of men, being found guilty of rape and not receiving a death sentence.⁵⁵⁰

One interesting case is that of Private Isaac van Rooyen who was stationed in Grahams Town. It was recorded that on the 22nd of March 1853 the private assaulted a servant by the name of Lea Williams. Van Rooyen threw the woman to the ground, lifted up her clothes and attempted to ravish her. He was found guilty of his crime and received the peculiar sentencing of 30 lashes on the bare back and to be imprisoned with hard labour for two years on the 14th of April 1853.⁵⁵¹

Another peculiar case is that of Lance Corporal James Hamilton. It was recorded that on the 25th of May 1859, Hamilton lay down naked in a bed where a woman by the name of Sarah Thursfield was sleeping. Thursfield, who was a married woman, awoke to this man trying to force up her nightdress, and trying to ravish her. The man pleaded guilty and although he was

⁵⁴⁹ KAB CJ 818, pp. 269-280, Micheal Reilly, 1824.

⁵⁵⁰ See for example: KAB CSC 1/1/1/9, James Hurford, no.7, 1836; KAB CSC 1/1/1/13, Thomas Woods, no.6, 1845; KAB CSC 1/1/1/17, Cornelius Sughray, no.13, 1862; KAB CSC 1/1/1/17, William James Clark, no.21, 1863; KAB CSC 1/1/1/30, James Gardener, no.5, 1882; KAB CSC 1/1/1/34, John Roderick Cameron, no.13, 1888; KAB CSC 1/1/1/36, Henry Winters, no.10, 1890; KAB 1/1/1/37, Francois Aero, no.6, 1891; KAB CSC 1/1/1/38, Jacob Samuels, no.2, 1892; KAB 1/1/1/38, Harry Palmer, no.11, 1892; KAB CSC 1/2/120, Jan Rooy, no.21, 1836; KAB CSC 1/2/1/71, Patrick Dwyer, no.1, 1861; KAB CSC 1/2/1/75, Jan Jager, no.7, 1863; KAB CSC 1/2/1/86, John Kennedy, no.3, 1870; KAB CSC 1/2/1/86, John Bartholomew, no.5, 1871; KAB CSC 1/2/1/92, Abraham July, no.3, 1876;

⁵⁵¹ KAB 1/2/1/50, Isaac van Rooyen, no.4, 1853.

convicted and sentenced to two years imprisonment with hard labour in the Albany goal, the court recorded that he was guilty “with a recommendation to mercy”.⁵⁵²

The prevalence of venereal disease amongst soldiers is one compelling factor as to why these men are more visible as rapists as well as why some statistics show a steady increase of rape reporting and conviction in the Cape districts. Despite these records, women who were suffering from any form of venereal disease would find it near impossible to secure a conviction for rape. It is for this reason that unmarried women, with hymen in tact, and very young pre-menstrual girls proved to be the most likely and believable victims. Men, including men of stature, suffering from these diseases, were also punished for the lasting medical condition they were passing on to their victims.

A variety of correspondence letters attest to the growing concern about venereal disease throughout the Colony. In January 1831, for example, the epidemic in Clanwilliam was discussed. More personnel was requested and propositions were made to send the infirm to Worcester, a hot bed of rape reporting.⁵⁵³ By October 1866, it was reported that over 13% of the garrison in Cape Town was hospitalised with venereal disease, and that this was prevalent at “lesser” military stations too.⁵⁵⁴ The War Office reported the following statistics (per 1000 soldiers) in hospital with venereal diseases: in 1863- 16,96 , in 1864 – 18,07 and in 1865 – 23, 94.⁵⁵⁵ This occurred throughout the spike period of rape reporting, as discussed in Chapter 2.

By February 1867, towards the end of the unusual spike of rape reports in the districts, physicians in Cape Town had reported on the large amount of venereal disease prevalent at the Cape. Concern also arose about the levels of prostitution. However, it was suggested that regulating of prostitution would in fact give rise to more crimes of “seduction”, read as crimes of rape. Furthermore, more regulation was required in principal seaports and garrison towns in the colony of Cape Town, Simons Town and suburbs, Port Elizabeth, Grahams Town, King Williams Town and Fort Beaufort.

⁵⁵² KAB CSC 1/2/1/65, James Hamilton, no.11, 1859.

⁵⁵³ KAB CO 4901, Colonial office – letters delivered to Supreme Medical Committee, p. 95, 14 January 1831.

⁵⁵⁴ KAB G/H 1/313, Government House – General Dispatches, ref. 13, pp. 25- 59.

⁵⁵⁵ *Ibid.*

In September 1884, in a correspondence between the Colonial Medical Committee and the Colonial Secretary, the medical board urged the government to respond to the growing rates of syphilis in the country. The letter also expanded on the spreading of disease and explained that it was not only prostitution that was spreading disease but that diseases was mainly being spread by “domestic servants” and “maids” who were sleeping with the children, kissing them and using the same plates, cups and towels.⁵⁵⁶ In an interesting twist, the very women worthy of the courts protection during earlier periods, were now carriers of contagions of venereal disease. It is in this period that these women are seen less frequently in the court proceedings.

Other circumstances also exonerated, hid or even lessened the sentence of rapists in the court. In essence, certain mitigating circumstances allowed these rapists to justify their actions in the hope of securing a non-conviction or at the very least, a reduction in prison sentence.

4.4 Other Mitigating Circumstances: “Alcohol May be Man’s Worst Enemy...”⁵⁵⁷

Combined with preying on non-conforming women, certain mitigating circumstances allowed these men to justify their actions before the judiciary. Here it is of importance to consider the theories of behavioural psychology where rape is learnt by imitating rape and relating sexuality and violence.⁵⁵⁸

During this period, intoxication was a common excuse and clearly a mitigating circumstance during sentence. Global theories on rape already suggest that women who were intoxicated during an attack were held partially responsible for their demise while intoxicated men were considered to have had diminished responsibility.⁵⁵⁹ Alcohol was seen as the downfall of respectable women and continued to be a mitigating circumstance well into the 20th century both abroad and locally.

⁵⁵⁶ KAB CO 1277, Item 35, 12 September 1884.

⁵⁵⁷ Frank Sinatra.

⁵⁵⁸ M. R. Burt: “Cultural myths and supports for rape”, *Journal of Personality and Social Psychology*, 38, 1980, pp. 217-230.

⁵⁵⁹ J. Bourke: *Rape: A History from 1860 to the Present*, 2007, pp. 54-56.

In South Africa, Temperance organisations originated from 1837. By 1893, Cradock saw the formation of the South African Temperance Alliance. The *Cape Innes Liquor Act of 1898* followed which aimed to contain “native drinking”. This legislation was argued to have acknowledged alcohol as one of the most “extenuating circumstances” for criminal activity and sexual offences.⁵⁶⁰ By 1902, there was a clear link between alcohol abuse and crime in the media.⁵⁶¹ The Black Peril Commission report of 1913 too listed alcohol abuse as the second major cause of rape in the Union.⁵⁶² It becomes clear that those who were likely to rape were also likely to abuse alcohol. And those likely to abuse alcohol, at this time, were “natives”.⁵⁶³ Alcohol abuse was clearly linked to a certain class. This is evidence of rapists at the Cape being regarded as men who engaged in these types of non-“respectable” activities. Rapists in the records were clearly not upper class, “respectable” men. Attention will now be drawn to cases occurring in the 19th century where these mitigating circumstances are evident. It is worth noting that although these circumstances were taken into consideration by the court and thus affected sentencing, the use of alcohol during this period was most importantly considered an explanation as to why these men raped.

There is the case of 24-year-old August who was a runaway slave owned by David Engela Burgher. He had taken refuge on a road near Tygerberg when he came across a young slave-girl, Louisa. She was a slight 10-year-old, attached to the De Villiers farm. On seeing August, Louisa was afraid and tried to run away from him. He ran after her and tried to persuade her to have sexual intercourse. Her refusal also angered him so he turned to brute force. He threw her to the ground, muffled her cries and raped her. Battered and bruised, she returned home and reported the incident to her mistress. She was examined by a surgeon who concluded that there was no other explanation for Louisa’s state besides the crime of rape. August was apprehended. He argued that had been intoxicated during the incident. On 10 April 1800, he was sentenced to be severely flogged on his bare back, marked with a red hot iron and then to be chained and put to work in the public works for the rest of his life.⁵⁶⁴ Despite his crime of theft of a slave holder’s property, August’s intoxicated state was considered.

⁵⁶⁰ GPB *Official Yearbook of the Union of South Africa 1910-1923*, no.6, pp. 388-389.

⁵⁶¹ For example: Author unknown: “Drunkenness and Crime”, *The Journal*, 18 November 1902.

⁵⁶² Author unknown: “The Report of the Assaults on Women Commission”, *The Christian Express*, 1 August 1913, p. 116.

⁵⁶³ *Ibid.*

⁵⁶⁴ KAB CJ 798, August of Mozambique, p. 249, 1800.

Similarly, the case of Caprice of Madagascar records this extenuating circumstance. In this rather strange case, Caprice, owned by Casparus Gronewald, was doing some carpentry work at the house of Reenhardt, a widow, in Long Street, Cape Town on the 21st of July 1805. Caprice curiously asked the slave-girl Silvie to comb his hair. Strangely, she agreed. For some reason, Caprice felt that she was not being gentle with him and flew into a rage. He purposely dropped a shilling which he was pretending to give to Silvie. When she bent down to pick up the coin, Caprice pulled out a knife and began to stab Silvie. In the scuffle, he also injured her three-year-old child Tuma. He went into the main house and gave himself up as a prisoner. According to the court he “freely confessed” to his crimes of attacking a slave woman. He was brought before the court and justified his actions by pleading intoxication. He was sentenced in the Court of Justice to be severely flogged, branded on his back and put to work in the public works for 10 years. This sentence was delivered in February 1806.⁵⁶⁵ Whilst it becomes evident that intoxication explained crimes of rape and assault it is necessary to consider what other crimes were understood under this “circumstance”.

Jan Boorg, who was 40 years old, had an altercation with a “Hottentot” women whose name is not recorded. This quarrel was over the issue of cattle. This argument then escalated to violence and Jan began brutally whipping the woman with a double whip. Another “Hottentot” by the name of Christian was witness to this crime and approached Jan. Christian confronted Jan about his ill-treatment of the woman. However, the confrontation did not deter Jan and the “Hottentot” woman subsequently died. Jan was reported to have “freely” confessed to his crimes of murdering a “Hottentot” woman. In his defence not only did he admit to being angry but also to being intoxicated at the time of the murder. He was sentenced to be severely flogged and then put in irons to work. This sentence was delivered on the 20th of December 1806.⁵⁶⁶

The mitigating circumstance of alcohol intoxication no doubt played a role in the sentences for these three men, despite the differences in their crimes. These cases, along with the literature suggest that rapists at the Cape were considered products of their environments. These men learnt to rape through imitation and exposure to violence. Furthermore, they perceived women

⁵⁶⁵ KAB CJ 801, Caprice of Madagascar, p. 24, 1806.

⁵⁶⁶ KAB CJ 801, “Hottentot” Jan Boorg, p. 338, 1806.

as possessions, an appropriate sexual outlet, psychologically weaker and in great need of patriarchal protection.

4.5 A Diseased Mind or an Unhealthy Environment?: The Nature/Nurture Debate Plays Out in the Cape

Already from the 18th century, “native” women were viewed as extremely sexual beings who needed to be both controlled and tamed.⁵⁶⁷ Similarly, black men were regarded as uncivilized and crudely sexual.⁵⁶⁸ Not only were these “natives” of the Cape regarded as hypersexual but they were regarded as biologically different to Europeans.⁵⁶⁹ It is through these types of theories that black men became regarded as inherent rapists. These men raped because they simply could not help themselves. White men, on the other hand, raped because local women were simply available.⁵⁷⁰ Only one case, that of William Griffin in 1837,⁵⁷¹ shifted the nature debate from one that was all about inherent lasciviousness based on Social Darwinism, to one that contemplated pathology of mind. What is clearly more pertinent, given the empirical evidence of the rape cases at the Cape, are the nurture debates.

Globally, men who raped were regarded to be masking their hostility towards intimate relationships through the need to control women. They were most likely to have been raised in a traumatic environment where sexual abuse and interpersonal violence had occurred. These men sought status and increased levels of self-esteem through sexual relationships. And they often blamed their victims for their actions.⁵⁷² A crisis often occurred when they felt threatened or emasculated.

⁵⁶⁷ J. Murray: “Gender and Violence in Cape Slave Narratives and Post Narratives”, *South African Historical Journal*, 62(3), 2010, p. 456.

⁵⁶⁸ D. Lewis: “Representing African Sexualities” in S. Tamale: *African Sexualities: A Reader*, p. 199.

⁵⁶⁹ *Ibid.*, p. 201.

⁵⁷⁰ C. Fransch: “‘... wood carved by the knife of circumstance’?: Cape Rapists and Rape in South Africa, c.1910-1980”, joint PhD (Stellenbosch University and Vrije Universiteit Amsterdam), December 2016, p. 44.

⁵⁷¹ KAB CSC 1/2/1/22, case 13, William Griffin, 1838.

⁵⁷² N. Malamuth, R. Sockloskie, M. Koss & J. Tanaka: “Characteristics of aggressors against women: testing a model using a national sample of college students”, *Journal of Consulting and Clinical Psychology*, 59, 1991, pp. 670–681; N. Malamuth, D. Linz, C. Heavey, G. Barnes & M. Acker: “Using the confluence model of sexual aggression to predict men's conflict with women: a 10 year follow up study”, *Journal of Personality & Social Psychology*, 69, 1995, pp. 353–369; N. Malamuth: “Criminal and non-criminal sexual aggressors. Integrating psychopathy in a hierarchical-mediational confluence model”, *Annals of the New York Academy of Science*, 989, 2003, pp. 33–58.

Furthermore, the social environment that rapists were raised and lived in served as a stimulus for observing others' behaviour and then learning to imitate it.⁵⁷³ It was argued that men learnt to rape through observing aggressive behaviour towards women. They came to associate sexuality and violence.⁵⁷⁴ These environments often involved men being cut off from their families, unable to locate a willing sexual partner and then resorting to sexual violence. This was more likely if they had consumed alcohol.⁵⁷⁵

Feminist theories also suggested that socioeconomic and political exploitation of women led to perceived differences between the sexes. These differences would have indicated relationships of power.⁵⁷⁶ Essentially women's bodies were seen as cultural property and rape was regarded as "a conscious process of intimidation by which all men keep all women in a state of fear"⁵⁷⁷ Essentially these environments taught men to oppress and sexually exploit women in order to maintain their masculinity.⁵⁷⁸

At the Cape Colony, from the 17th century already the slave lodge also acted as a brothel where soldiers and sailors could visit.⁵⁷⁹ This would have no doubt created an environment where women's bodies were used by men. This environment also saw concerns of homosexuality as the imperial environment as mostly male. Prostitution then became crucial to army morale and "native" women were required to "service" these men and provide them with the necessary sexual outlet.⁵⁸⁰ Not only were women at risk of assault by slave holders who legally owned their bodies, but also from male slaves. These males had limited capacities to exert their dominance and so controlling female slaves was of great importance.⁵⁸¹ As the 19th century unfolded, and women began to demand the vote and criticize men's drunkenness and "sexual

⁵⁷³ C. Fransch: "'...wood carved by the knife of circumstance'?: Cape Rapists and Rape in South Africa, c.1910-1980", joint PhD (Stellenbosch University and Vrije Universiteit Amsterdam), December 2016, p. 8.

⁵⁷⁴ For example: M. R. Burt: "Cultural myths and supports for rape", *Journal of Personality and Social Psychology*, 38, 1980, pp. 217-230.

⁵⁷⁵ J. Goldberg & R. Goldberg: *Girls on City Streets. A Study of 1400 Cases of Rape*, 1935 (New York: American Social Hygiene Association, 1935) p. 187.

⁵⁷⁶ J. Scott: "Gender: A Useful Category of Historical Analysis", *American Historical Review*, 91(5), 1986, pp. 1069-1074.

⁵⁷⁷ S. Brownmiller: *Against Our Will: Men, Women, and Rape* (New York: Ballantine Books, 1975) p. 15.

⁵⁷⁸ R. Morrell: *Changing Men in South Africa* (London: Zed Books, 2001) p. 33.

⁵⁷⁹ R. Elphick & R. Shell: "Intergroup relations: Khoikhoi, settlers, slaves and free blacks, 1652-1795 in R. Elphick & H. Giliomee: *The Shaping of South African Society, 1652-1840*, 1979, p. 195.

⁵⁸⁰ P. Levine: *The British Empire: Sunrise to Sunset* (London, England: Pearson Longman, 2007) pp. 159-150.

⁵⁸¹ J. Murray: "Gender and Violence in Cape Slave Narratives and Post Narratives", *South African Historical Journal*, 62(3), 2010, pp. 550 – 454.

licence”, men felt even more threatened. These environments would have left men of the Cape Colony feeling intimidated and concerned over maintaining their masculinity.

4.6 Chapter Conclusion

It is clear that notions of sex and sexuality in the 19th century Cape saw slave women as objects to be used by men. Not only were these women a sexual outlet for white males but for frustrated male slaves too. Statistics of victims of rape reveal that labourers, married women and young children were most likely to appear in the records. This confirms that lower class women were the targets of sexual abuse and rape. Furthermore, it illustrates how notions of sex and sexuality affected male perceptions of women and their function in society. These perceptions fit the broader colonial context of the period.

Brutalising environments too explain man’s need to control women and maintain their ideas of masculinity. Statistics on rape committed by slaves re-iterates these theories on rape being about power over the female body. The notion of women as possessions explains why cases of rape resemble theft of the upper class. These patterns resemble those evident in the British Empire. This “theft” was worsened by the class of the woman. Non-conforming women such as prostitutes were then considered.

Here literature and empirical research suggested a fixation on prostitution and the disease that followed. Despite this the Cape courts did not reflect this fixation or include cases regarding non-conforming women. There were also mitigating circumstances which allowed these men to continue raping. Literature and cases confirm that intoxication was a common excuse and allowed men to have diminished responsibility for their actions. It becomes clear that Cape rapists learnt to rape through notions of sex and sexuality of the Cape which allowed them to perceive women as an appropriate sexual outlet and in need of patriarchal protection. The importance of the “helplessness” of women is evident in the broader colonial context throughout this century.

There is but one idiosyncratic case of the sanity of the rapist being called in to question. This was not a common practice nor did it have a lasting impact on the judicial process until the 20th century. This case follows procedures practiced in India during this period and is but a tantalising case study of what unfolds in the 20th century Cape judiciary.

Of significance in this chapter was the changing notion of respectability on both rapist and victim. Through this, the parameters of class, assumed race and rape are aligned. Being a respectable white person, slave or domestic worker, was on trial during the rape case. This determined culpability and determined sentence on an individual basis.

Conclusion

This dissertation, which aimed to fill the scholarly lacuna of 19th century Cape Colony rape trends, asked the three questions: who were these rapists, why did they commit acts of rape and what was the role of the state in policing rape at the Cape. These questions were answered through an extensive investigation into all Court of Justice, Cape Supreme Court and Circuit Court files for the period of 1795-1895. These investigations were contextualised by the vast but sporadic existing literature on rape trends prevalent at the Cape during this period. Here it became evident that scholars focused on the apparent link between race and class and rape perpetrators and victims. In this regard, black men were more likely to be reported as rapists, convicted for rape and to receive a more severe sentence for the crime of rape. Additionally, it was argued that the Cape was concerned over issues of racial mixing and the protection of the prestige of the white race. This period was marked by transitions on a multitude of levels.

Chapter Two focused on rape reporting and conviction rates. Here it is evident that the 19th century was a transitional period for Cape legal procedure, as testified to by Sachs. The two sets of courts, urban and rural, appear vastly different as suggested by Sachs who contrasted the different judges and procedures. As confirmed by the figure on reported rapes at in the Supreme Court, there appears to have been a steady increase in reported rapes. However, when these rates are compared to the population data, there may have actually been a decrease in reporting. What is of most importance is that there were visible peaks and troughs. These peaks can be explained by changes occurring in the administration of the Cape, as well as changes occurring in the metropole, changes in criminal procedure which led to changing views on men and women, an increase in population growth and growing fears surrounding the Black Peril period. In comparison to this, reporting in the Circuit Courts fluctuates more visibly. This is attributed to the state of development and transition in these courts, as suggested by Sachs' investigation into these insufficient and poorly trained magistrates. Again, there were visible peaks in reporting which were explained by changes in court procedure and legislation, the appointment of a new governor, the end of slave apprenticeship, the establishment of fully responsible government at the Cape, population growth and dispersion to rural areas and the beginning of the Black Peril period.

There is a noticeable peak in rape reporting during 1855-1865 in the Circuit Courts and although at first this appeared to be a rape scare it can be attributed to the disorganization and lack of development in these courts. The lack of conviction dates for rapes committed in these courts from 1859 is a testimony to this. From an investigation into individual Circuit Courts, certain locations appear to report higher rates of rape, such as Worcester, Albany, Malmesbury and George. In Albany, Malmesbury and George these high rates of reported rape correlated with high population sizes. Worcester's high rates of reporting, on the other hand, corresponded with particular historical events. For example, the slave rebellion resulted in the court being hyper-sensitive towards crimes committed by these men. Similarly, the increase in imported labourers for the construction of the railway explained an increase of crimes committed by these members of the population.

However, it does appear as if the courts mimic each other at times. This is attributed to the Circuit Courts being based on legislature from the Cape Supreme Courts which could explain the delay in peaks of reported rapes. It is also of significance that the Circuit Courts recorded more than double the amount of reported rape cases than the Court of Justice and Cape Supreme Courts. This higher incidence could be explained by population differences between the two courts. Another difference between the two courts is that there was a more dramatic increase in reporting in the Cape Supreme Court at the end of the 19th century. This is understandable given this court's concern with the Black Peril period and the hyper-sensitivity surrounding this.

Generally, regarding rape reporting at the Cape during the 19th century, it is evident that this period did see an "aura of impartiality" by providing a means for servants and labourers to express their grievances. Scholars, however, have suggested that the Colony was not effective in punishing these crimes. Conviction rates in the Court of Justice and Cape Supreme Court were mostly high throughout 19th century. Clearly then efforts were being made by the government to improve the efficacy of court. Similar to records of reporting, conviction rates in the Circuit Courts were inconsistent. This is again evidence of the judiciary system still developing. Conviction rates in these courts were then less of a focus, as suggested by literature.

Like the British experience, the Cape Colony saw fluid definitions of rape which allowed for personal interpretations of this crime. Changes in legislation and criminal procedure resulted in changes in reporting of rape. Similar to the metropole and its colonies, there were also issues with the actual charge of rape, but there were clear efforts to improve the judiciary, which is evident through these conviction rates. Although in theory the Cape, the metropole, and colonies such as India saw definitions of rape and procedures in place to deal with cases of rape, the actual reporting of rape was hindered by issues such as local cultures. In the Cape the class of the accused clearly impacted reporting and therefore conviction procedures. Coupled with this, the Cape was clearly in a period of transition during this period.

Chapter Three focused on who these rapists were and how the state dealt with them. In the Court of Justice and Cape Supreme Court records it was predominantly labourers, and at times slaves and Hottentots reported as rapists. Rapists in the Circuit Courts were also mainly labourers. This corroborates existing literature that lower class and working men were more likely to rape. But this finding also questions the inter-connectedness of race and class and rape trends. Through the cases of this thesis it is evident that class was usually fore-ground in the reported case. There are however a few examples of race being specified. Clearly, rapists in the 19th century were mostly non- “respectable” men. Despite what has been suggested by scholars such as Ross, the notion of “free confessions” continued into 19th century. This is firstly evidence of the Batavian Republic being a continuation of British rule and secondly evidence that stereotypes surrounding certain classes meant that these non- “respectable” men were constructed as rapists. The ruling class or affluent men were not regarded as “natural rapists” and the appearance of farmers and agriculturalists in the records was rare, and their conviction even more rare. As suggested by Scully it was easier for a black woman to bring a black man to court than a “respectable” white man. Penn too explained that in previous periods there was no evidence of a white rapist being convicted for the rape of a non-white woman. Through this dissertation, however, there is some evidence of these men being charged with the rape of a labourer woman in the 19th century. There was also evidence of “respectable” men such as schoolmasters being convicted for rape. Lastly, as suggested, cases of rape and incest only involved men the skilled working class throughout the 19th century.

In terms of how these men were dealt with by the state, in the Court of Justice and Cape Supreme Court lower class men mainly received a sentence with imprisonment, hard labour and flogging as suggested by existing literature. This sentence was more severe than the most prevalent one delivered in the Circuit Courts – where these men mainly received imprisonment with hard labour. This is evidence of differences in court procedures. What becomes clear is that the lower class was more likely to be convicted than the upper class. They were also more likely to get a sentence which included flogging. Similarly, the lower class was the most likely to receive the death penalty in both sets of courts although it has previously been argued that the death penalty was not used for rape cases after 1830. Moreover, despite the death penalty previously being linked to cases of rape committed by men in power, there is evidence of Privates being convicted for rape and not receiving this sentence. Furthermore, despite literature suggesting that banishment was not “suited” to the Cape Colony, there is evidence that some rapists were banished to New South Wales from the 1820s already. This is indicative of the courts’ focus on punishment rather than rehabilitation. However, there is one case of a rape trial which is evidence of psychological evaluation already occurring in 1837. This predates much of the existing literature.

Similar to the British experience, a man’s “respectability” made him either capable or incapable of committing the crime of rape. Through this, labourers were more likely to be reported as rapists whilst men from the ruling class were unlikely to appear in the records as rapists. As in the metropole, although there were serious punishments in place for rapists, the issue was more which cases of rape were reported and how these were interpreted based on the class foreground in the case.

Chapter Four then focused on why men raped, by investigating rape victims. Through an investigation into the occupation of rape victims it is evident that the most frequent reported victims of rape in the Court of Justice and Cape Supreme Court records were young girls and married women. This corroborated existing literature. Similarly, the most frequent occupation of reported victims in the Circuit Courts were young girls, minors and married women. Clearly, these ideas of “respectability” not only framed rapists but also who was reported as a rape victim and which cases were even construed as rape. Through the notion of women as possessions it is clear that there were “rapable” women and non-“rapable” women – defined

here as non-conforming women like prostitutes. “Rapable” women, as suggested by Scully were more likely to bring a charge of rape if certain conditions were present such as signs of physical injury, resistance and being of a respectable nature. Although this type of women usually included married women and young girls throughout the 19th century Cape, there is also evidence of the rape of a “respectable” widow. Even more peculiar, is the instance where a servant girl was portrayed as “respectable” and had her case treated this way. Throughout this period there were also mitigating factors, such as alcohol, which explained why certain men raped. This mitigating factor linked this non- “respectable” activity to non- “respectable” and therefore lower- class men.

Nature debates on rape illustrate that some Cape men were supposedly inherent rapists and were regarded by the upper classes/ British, amongst others, as hyper-sexual. This dissertation shows that there was even one case of the mental state of a rapist being considered. Nurture debates explain that brutalising environments shaped rapists and that behaviour was learned. Through these environments women were viewed as objects to be used and although it has been argued that gang rape was only evident from the 20th century, this thesis reveals that cases of gang rape were present in the Cape Court from as early as the 19th century.

It is evident then that similar to the British experience, “respectable” women were the most likely to be presented as rape victims at the Cape. As in the metropole and other colonies, this was determined by both her believability and credibility and her occupation was essentially at the heart of the trial. This affected how the Cape understood rapists’ motivations for rape

When considering the broader rape trends evident at the Cape during the 19th century, according to Scully rape can be understood by the “multi-layered colonial and metropolitan histories in which sexuality, race, gender and class became referents for one another”⁵⁸². Through the research of this thesis it is certainly evident that race played a role in cases of rape. However, when assessing the vast majority of reported cases throughout the 19th century it is clear that class was the greater concern. This finding is peculiar considering the context of the Cape. The

⁵⁸² P. Scully: “Rape, Race and Colonial Culture: The Sexual Politics of Identity in the Nineteenth- Century Cape Colony, South Africa”, *The American Historical Review*, 100(2), April 1995, p. 341.

19th century saw the importation of white labour, the freeing of slaves and the franchised role of the white race. Moreover, sexuality would have no doubt been affected by the fluid definitions of rape at the Cape which were influenced by Roman Dutch law, English legal principles and the differing personal preferences, and indeed biases, of the Cape judges. This statement may then have hold true for the particular period of Scully's work and her research in the districts. In spite of this, when considering the entire 100-year period in terms of the differences between the courts and the transitional nature of this period this is not entirely accurate.

Clearly, the 19th century was a turbulent period in terms of sexual norms at the Cape. The negligible reporting of rapists, fluctuating conviction rates, biases in defining rapists, how to deal with them and explaining why they raped can be explained in terms of certain key turning points during the century. 1795-1895 saw changes at the Cape in court procedure following the establishment of the Cape Supreme Court and Circuit Courts in 1828. Here there were issues with the scarce number of magistrates in the Circuit Courts as well as their inadequate training. There were also issues with judges who trained in England but made use of Cape criminal procedure influenced by Roman Dutch and English Law. 1834 saw the election of a new Governor, which was also a crucial turning point in terms of the successive councils established and ordinances passed. The passing of the Masters and Servants Ordinance in 1841, and the promulgation of this in 1856 was also of significance. This period also saw the Cape gaining more autonomy from Britain with the first fully responsible government being established in 1872 and the movement towards the creation of the Union in 1910. Similarly, the unfolding of the Black Peril period at the turn of the 20th century saw a movement in changes of racial classification.

It is then evident that the 19th century was a turning point for the Cape. This period was clearly, as suggested by Phillips, a transition period⁵⁸³, in terms of sexual norms. Moreover, despite certain evident trends throughout the 19th Colonial Cape, the "ambivalence in British colonialism"⁵⁸⁴ was evident at the Cape too. Whilst some existing theories have suggested that

⁵⁸³ H. Phillips: "Cape Town in 1829," MA thesis, University of Cape Town, 1979.

⁵⁸⁴ P. Scully: "Rape, Race and Colonial Culture: The Sexual Politics of Identity in the Nineteenth- Century Cape Colony, South Africa", *The American Historical Review*, 100(2), April 1995, p. 359.

Cape rapists raped because they were biologically different – for example black men being regarded as hyper-sexual - these racial categories seem flexible and subjective. Additionally, as suggested by Scully, the relationship between respectability, race and sexuality was not always visible.⁵⁸⁵ Other theories have suggested that certain environments produced rapists and the need to control women, and that these masculinities were in crisis. Through the investigation into Cape 19th century rapists of this thesis it is evident that although there was certainly a race component, as evident through the intermittent appearance of Hottentots and slaves in the records, class was much more prevalent in the records. Fransch's work has already suggested that the rigid classification of the races only occurred in the 20th century. This period was then rather a moment of transition where although no explicit changes in rape legislature occurred, there was a movement towards this.

This study on 19th century Cape rapists would have been greatly supported by a detailed study on population statistics for the Cape in the 19th century as well as a study on changing criminal procedure throughout the 19th century. In addition to this, a systematic study of 19th century rape trends present in other colonies would have been beneficial. This is not to suggest that all colonies had identical experiences, but clearly there are some shared experiences. The Cape peculiarity, however, was marked by moments of fixations either about matters sexual – such as miscegenation, prostitution, venereal disease; local vices, such as excessive consumption of alcohol amongst certain races; or even matters social, such as notions of respectability. These fixations in tandem with changes to legislation regulating the populations or changes to the judiciary, clearly had an impact on rape reporting and conviction rates. Peaks and troughs and even moments of peaked interest, such as the Circuit Court peak 1856-1865, can indeed be described as a moment of panic. This occurred in the districts compared to a more stable trend in Cape Town proper. This may not fit the conventional criteria of rape scares however, these panics occurred when clearer racial markers were prevalent in the colony, making it much easier to identify and classify. If the mid-19th century was in a constant state of flux, then the very notion of a rape peril in flux might best describe rape trends in the Cape colony districts. Similarly, while one speaks of the Cape Colony, it is even more pertinent to rather speak of the Cape Colonies as district trends clearly differed to metropolitan areas.

⁵⁸⁵ P. Scully: "Rape, Race and Colonial Culture: The Sexual Politics of Identity in the Nineteenth- Century Cape Colony, South Africa", *The American Historical Review*, 100(2), April 1995, p. 359.

Returning to the work of Pamela Scully, rape is certainly a metaphor for a general crisis in the Cape and the colonial anxieties prevalent in the urban and rural areas of the Cape, can only lead to one conclusion: Rape in the 19th century Cape Colony is a history of rape in the Cape Colonies - two distinct and definable sets of rape trends which distinguish Cape Town from the Cape Hinterlands.

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Appendix A

7.1 Cases from Court of Justice and Cape Supreme Court

KAB CJ 797, case 409, Paul of Mozambique, KAB CJ 789, Isaak of the Cape, p.85, KAB CJ 798, August of Mozambique, p.249, KAB CJ 803, p.545, KAB CJ 805, pp.573-587, KAB CJ 804, p.11, KAB CJ 805, pp. 682-659, KAB CJ 809, no. 25, KAB CJ 809, no.28, KAB CJ 812, no.36, KAB CJ 814, no.6, KAB CJ 814, pp. 447-455, KAB CJ 815, pp. 42-54, KAB CJ 816, pp. 114-127, KAB CJ 816, pp.813-818, KAB CJ 816, pp. 1071-1081, KAB CJ, pp. 540-551, KAB CJ 818, pp. 269-280, KAB CJ 819, pp. 54-61, KAB CJ 819, pp. 124-133, KAB CJ 819, pp. 668-682, KAB CJ 820, no.17, KAB CJ 820, no.31, KAB CSC 1/1/1/1, no.6, KAB CSC 1/1/1/3, Adonis, KAB CSC 1/1/1/3, Charles, KAB CSC 1/1/1/4, no.11, KAB CSC 1/1/1/4, no.11, KAB CSC 1/1/1/5, no.8, KAB CSC 1/1/1/4, no.6, KAB CSC 1/1/1/7, no.8, KAB CSC 1/1/1/7, no.1, KAB CSC 1/1/1/8, no.4, KAB CSC 1/1/1/9, no.8, KAB CSC 1/1/1/9, no.3., KAB CSC 1/1/1/9, no.7, KAB CSC 1/1/1/9, no.3, KAB CSC 1/1/1/9, no.11, KAB CSC 1/1/1/9, no.12, KAB CSC 1/1/1/10, no.2, KAB CSC 1/1/1/10, no.2, KAB CSC 1/1/1/10, Hamet, KAB CSC 1/1/1/10, no.3, KAB CSC 1/1/1/10, no.1, KAB CSC 1/1/1/11, no.6, KAB CSC 1/1/1/11, Azor, KAB CSC 1/1/1/11, Joseph and Piet, KAB CSC 1/1/1/11, no.5, KAB CSC 1/1/1/12, no.9, KAB CSC 1/1/1/12, no. 11, KAB CSC 1/1/1/12, no.10, KAB CSC 1/1/1/12, no.8, KAB CSC 1/1/1/13, no.6, KAB CSC 1/1/1/13, no.5, KAB CSC 1/1/1/13, no.5, KAB CSC 1/1/1/13, no.1, KAB CSC 1/1/1/13, no.2, KAB CSC 1/1/1/14, no.2, KAB CSC 1/1/1/14, no.13, KAB CSC 1/1/1/15, no.2, KAB CSC 1/1/1/16, no.7, KAB CSC 1/1/1/16, no.8, KAB CSC 1/1/1/16, no.7, KAB CSC 1/1/1/16, no.6, KAB CSC 1/1/1/16, no.12, KAB CSC 1/1/1/16, no.3, KAB CSC 1/1/1/16, no.9, KAB CSC 1/1/1/16, no.6, KAB CSC 1/1/1/16, no.1, KAB CSC 1/1/1/16, no.7, KAB CSC 1/1/1/17, no.4, KAB CSC 1/1/1/17, no.7, KAB CSC 1/1/1/17, no.4, KAB CSC 1/1/1/17, no.3, KAB CSC 1/1/1/17, no.3, KAB CSC 1/1/1/17, no.9, KAB CSC 1/1/1/17, no.2, KAB CSC 1/1/1/17, no.4, KAB CSC 1/1/1/18, no.9, KAB CSC 1/1/1/18, no.14, KAB CSC 1/1/1/18, no.3, KAB CSC 1/1/1/18, no.2, KAB CSC 1/1/1/18, no.6, KAB CSC 1/1/1/18, no.6, KAB CSC 1/1/1/18, no.15, KAB CSC 1/1/1/18, no.7, KAB CSC 1/1/1/18, no.13, KAB CSC 1/1/1/19, no.2, KAB CSC 1/1/1/19, no.8, KAB CSC 1/1/1/19, no.21, KAB CSC 1/1/1/19, no.8, KAB CSC 1/1/1/19, no.10, KAB CSC 1/1/1/19, no.11, KAB CSC 1/1/1/19, no.5, KAB CSC 1/1/1/19, no.8, KAB CSC 1/1/1/19, no.14, KAB CSC 1/1/1/20, no.15, KAB CSC 1/1/1/20, no.12, KAB CSC 1/1/1/20, no.6, KAB CSC 1/1/1/20, no.26, KAB CSC 1/1/1/20, no.10, KAB CSC 1/1/1/21, no.1, KAB CSC 1/1/1/21, no.19 and KAB CSC 1/1/1/21, no.20, KAB CSC 1/1/1/21, no.3, KAB CSC 1/1/1/21, no.7 and KAB CSC 1/1/1/21, no.2, KAB CSC 1/1/1/21, no.14, KAB CSC 1/1/1/22, no.4, KAB CSC 1/1/1/22, no.16, KAB CSC 1/1/1/22, no.33, KAB CSC 1/1/1/22, no.14, KAB CSC 1/1/1/22, no.3, KAB CSC 1/1/1/23, no.4, KAB CSC 1/1/1/23, no.6, KAB CSC 1/1/1/23, no.229, KAB CSC 1/1/1/23, no.14, KAB CSC 1/1/1/23, no.8, KAB CSC 1/1/1/24, no.1, KAB CSC 1/1/1/24, no.3, KAB CSC 1/1/1/24, no.1, KAB CSC 1/1/1/24, no.2, KAB CSC 1/1/1/24, no.14, KAB CSC 1/1/1/24, no.7, KAB CSC 1/1/1/24, no.2, KAB CSC 1/1/1/25, no.12, KAB CSC 1/1/1/25, no.6, KAB CSC 1/1/1/25, no.16, KAB CSC 1/1/1/25, no.4, KAB CSC 1/1/1/26, no.1, KAB CSC 1/1/1/26, no.2, KAB CSC 1/1/1/25, no.4, KAB CSC 1/1/1/25, no.6, KAB CSC 1/1/1/25, no.9, KAB CSC 1/1/1/25, no.13, KAB CSC 1/1/1/25, no.16, KAB CSC 1/1/1/25, no.6, KAB CSC 1/1/1/27, no.8, KAB CSC 1/1/1/30, no.8, KAB CSC 1/1/1/27, no.12 and KAB CSC 1/1/1/27, no.6, KAB CSC 1/1/1/27, no.3, KAB CSC 1/1/1/28, no.5, KAB CSC 1/1/1/28, no.1, KAB CSC 1/1/1/29, no.7, KAB CSC 1/1/1/29, no.3, KAB CSC 1/1/1/30, no.6, KAB CSC 1/1/1/30, no.3, KAB CSC 1/1/1/30, no.5, KAB CSC 1/1/1/30, no.4, KAB CSC 1/1/1/30, no.19, KAB CSC 1/1/1/31, no.5, KAB CSC 1/1/1/31, no.7,

KAB CSC 1/1/1/31, no.12, KAB CSC 1/1/1/31, no.20, KAB CSC 1/1/1/31, no.2, KAB CSC 1/1/1/32, no.14, KAB CSC 1/1/1/32, no.10, KAB CSC 1/1/1/32, no.21, KAB CSC 1/1/1/33, no.2, KAB CSC 1/1/1/33, no.1, KAB CSC 1/1/1/33, no.2, KAB CSC 1/1/1/33, no.10, KAB CSC 1/1/1/33, no.11, KAB CSC 1/1/1/33, no. 4, KAB CSC 1/1/1/33, no.2, KAB CSC 1/1/1/33, no.6, KAB CSC 1/1/1/33, no.1, KAB CSC 1/1/1/33, no.8, KAB CSC 1/1/1/33, no.9 and KAB CSC 1/1/1/33, no.10, KAB CSC 1/1/1/34, no.1, KAB CSC 1/1/1/34, no.2, KAB CSC 1/1/1/34, no.6, KAB CSC 1/1/1/34, no.1, KAB CSC 1/1/1/34, no.8, KAB CSC 1/1/1/34, no.3, KAB CSC 1/1/1/34, no.1, KAB CSC 1/1/1/34, no.6, KAB CSC 1/1/1/34, no.9 and KAB CSC 1/1/1/34, no.15, KAB CSC 1/1/1/34, no.3, KAB CSC 1/1/1/34, no.4 KAB CSC 1/1/1/34, no.10, KAB CSC 1/1/1/36, no.4, KAB CSC 1/1/1/34, no.10, KAB CSC 1/1/1/34, no.13, KAB CSC 1/1/1/35, no.7, KAB CSC 1/1/1/35, no.9, KAB CSC 1/1/1/35, no.8, KAB CSC 1/1/1/35, no.12, KAB CSC 1/1/1/35, no.1, KAB CSC 1/1/1/36, no.12, KAB CSC 1/1/1/36, no.8, KAB CSC 1/1/1/36, no.9, KAB CSC 1/1/1/36, no.10, KAB CSC 1/1/1/36, no.12, KAB CSC 1/1/1/36, no.5, KAB CSC 1/1/1/36, no.10, KAB CSC 1/1/1/36, no.3, KAB CSC 1/1/1/36, no.9, KAB CSC 1/1/1/36, no.13, KAB CSC 1/1/1/37, no.1, KAB CSC 1/1/1/37, no.2, KAB CSC 1/1/1/37, no.3, KAB CSC 1/1/1/37, no.4, KAB CSC 1/1/1/37, no.10, KAB CSC 1/1/1/37, no.8, KAB CSC 1/1/1/37, no.3, KAB CSC 1/1/1/37, no.4, KAB CSC 1/1/1/37, no.5, KAB CSC 1/1/1/37, no.18, KAB CSC 1/1/1/37, no.3, KAB CSC 1/1/1/37, no.6, KAB CSC 1/1/1/37, no.8, KAB CSC 1/1/1/37, no.24, KAB CSC 1/1/1/37, no.3, KAB CSC 1/1/1/37, no.9, KAB CSC 1/1/1/38, no.2, KAB CSC 1/1/1/38, no.4, KAB CSC 1/1/1/38, no.2, KAB CSC 1/1/1/38, no.7, KAB CSC 1/1/1/38, no.11, KAB CSC 1/1/1/38, no.18, KAB CSC 1/1/1/38, no.3, KAB CSC 1/1/1/38, no.2, KAB CSC 1/1/1/38, no.13, KAB CSC 1/1/1/38, no.15, KAB CSC 1/1/1/39, no.13, KAB CSC 1/1/1/39, no.4, KAB CSC 1/1/1/39, no.25, KAB CSC 1/1/1/39, no.26, KAB CSC 1/1/1/39, no.3, KAB CSC 1/1/1/39, no.4, KAB CSC 1/1/1/39, no.8, KAB CSC 1/1/1/39, no.9, KAB CSC 1/1/1/39, no.13, KAB CSC 1/1/1/39, no.14, KAB CSC 1/1/1/40, no.5, KAB CSC 1/1/1/40, no.15, KAB CSC 1/1/1/40, no.16, KAB CSC 1/1/1/40, no.4, KAB CSC 1/1/1/40, no.5, KAB CSC 1/1/1/40, no.6, KAB CSC 1/1/1/40, no.7, KAB CSC 1/1/1/40, no.29, KAB CSC 1/1/1/41, no.1, KAB CSC 1/1/1/41, no.7, KAB CSC 1/1/1/41, no.8, KAB CSC 1/1/1/41, no.16, KAB CSC 1/1/1/41, no.18, KAB CSC 1/1/1/41, no.5, KAB CSC 1/1/1/41, no.9, KAB CSC 1/1/1/41, no.22, KAB CSC 1/1/1/41, no.24, KAB CSC 1/1/1/42, no.4, KAB CSC 1/1/1/42, no.6, KAB CSC 1/1/1/42, no.13, KAB CSC 1/1/1/42, no.13, KAB CSC 1/1/1/42, no.29, KAB CSC 1/1/1/42, no.28, KAB CSC 1/1/1/42, no.12, KAB CSC 1/1/1/42, no.34, KAB CSC 1/1/1/42, no.36, KAB CSC 1/1/1/42, no.8, KAB CSC 1/1/1/42, no.5, KAB CSC 1/1/1/42, no.9 and KAB CSC 1/1/1/42, no.21.

7.2 Cases from Circuit Courts

KAB CSC 1/2/1/1, no.2, KAB CSC 1/2/1/2, no.10, KAB CSC 1/2/1/2, no.4, KAB CSC 1/2/1/3, no.20, KAB CSC 1/2/1/4, no.9, KAB CSC 1/2/1/5, no.1 and KAB CSC 1/2/1/4, no.2, KAB CSC 1/2/1/6, no.6, KAB CSC 1/2/1/7, no.12, KAB CSC 1/2/1/7, no.13, KAB CSC 1/2/1/7, no.1, KAB CSC 1/2/1/8, no.12, KAB CSC 1/2/1/9, no.2, KAB CSC 1/2/1/7, no.8, KAB CSC 1/2/1/8, no.6, KAB CSC 1/2/1/8, no.11, KAB CSC 1/2/1/8, no.14, KAB CSC 1/2/1/8, no.17, KAB CSC 1/2/1/8, no.22, KAB CSC 1/2/1/8, no.1, KAB CSC 1/2/1/9, no.7, KAB CSC 1/2/1/10, no.7, KAB CSC 1/2/1/10, no.9, KAB CSC 1/2/1/9, no.9, KAB CSC 1/2/1/9, no.2, KAB CSC 1/2/1/9, no.12, KAB CSC 1/2/1/10, no.16, KAB CSC 1/2/1/10, no.18, KAB CSC 1/2/1/10, no.10, KAB CSC 1/2/1/10, no.7, KAB CSC 1/2/1/10, no.9, KAB CSC 1/2/1/11, no.10. KAB CSC 1/2/1/11, no.9, KAB CSC 1/2/1/11, no.10, KAB CSC 1/2/1/11, no.13, KAB CSC 1/2/1/11, no.16, KAB CSC 1/2/1/11, no.19, KAB CSC 1/2/1/11, no.20 and KAB CSC 1/2/1/11, no.6, KAB CSC 1/2/1/11, no.21, KAB CSC 1/2/1/12, no.18, KAB CSC 1/2/1/12, no.12, KAB CSC 1/2/1/13, no.2, KAB CSC 1/2/1/13, no.7, KAB CSC 1/2/1/13, no.13, KAB

CSC 1/2/1/13, no.15, KAB CSC 1/2/1/14, no.8, KAB CSC 1/2/1/14, no.21, KAB CSC 1/2/1/15, no.7, KAB CSC 1/2/1/16, no.9, KAB CSC 1/2/1/16, no.11, KAB CSC 1/2/1/16, no.23, KAB CSC 1/2/1/17, no.10, KAB CSC 1/2/1/17, no.5, KAB CSC 1/2/1/17, no.6, KAB CSC 1/2/1/17, no.15, KAB CSC 1/2/1/17, no.4, KAB CSC 1/2/1/18, no.17, KAB CSC 1/2/1/18, no.13, KAB CSC 1/2/1/18, no.11, KAB CSC 1/2/1/18, no.19, KAB CSC 1/2/1/19, no.12, KAB CSC 1/2/1/19, no.8, KAB CSC 1/2/1/20, no.14, KAB CSC 1/2/1/20, no.21, KAB CSC 1/2/1/21, no.11, KAB CSC 1/2/1/19, no.13, KAB CSC 1/2/1/19, no.9, KAB CSC 1/2/1/20, no.13, KAB CSC 1/2/1/20, no.20, KAB CSC 1/2/1/20, no.33, KAB CSC 1/2/1/20, no.14, KAB CSC 1/2/1/20, no.5, KAB CSC 1/2/1/20, no.6, KAB CSC 1/2/1/20, no.8, KAB CSC 1/2/1/20, no.14, KAB CSC 1/2/1/21, no.5, KAB CSC 1/2/1/21, no.2, KAB CSC 1/2/1/21, no.13, KAB CSC 1/2/1/21, no.2, KAB CSC 1/2/1/23, no.7, KAB CSC 1/2/1/20, no.22, KAB CSC 1/2/1/21, no.14, KAB CSC 1/2/1/21, no.14, KAB CSC 1/2/1/22, no. 35, KAB CSC 1/2/1/22, no.11, KAB CSC 1/2/1/23, no.13, KAB CSC 1/2/1/23, no.7, KAB CSC 1/2/1/23, no.11, KAB CSC 1/2/1/24, no.1, KAB CSC 1/2/1/24, no.4, KAB CSC 1/2/1/24, no.7, KAB CSC 1/2/1/24, no.3, KAB CSC 1/2/1/25, no.10, KAB CSC 1/2/1/25, no.17, KAB CSC 1/2/1/25, no.17, KAB CSC 1/2/1/25, no.9, KAB CSC 1/2/1/26, no.8, KAB CSC 1/2/1/26, no.12, KAB CSC 1/2/1/26, no.13, KAB CSC 1/2/1/27, no.2, KAB CSC 1/2/1/27, no.7, KAB CSC 1/2/1/27, no.8, KAB CSC 1/2/1/27, no.4, KAB CSC 1/2/1/28, no.7, KAB CSC 1/2/1/29, no.5, KAB CSC 1/2/1/29, no.2, KAB CSC 1/2/1/29, no.10, KAB CSC 1/2/1/29, no.8, KAB CSC 1/2/1/30, no.13, KAB CSC 1/2/1/30, no.14, KAB CSC 1/2/1/29, no.6, KAB CSC 1/2/1/29, no.3, KAB CSC 1/2/1/30, no.5, KAB CSC 1/2/1/30, no.12, KAB CSC 1/2/1/31, no.5, KAB CSC 1/2/1/32, no.5, KAB CSC 1/2/1/31, no.7, KAB CSC 1/2/1/31, no.18, KAB CSC 1/2/1/32, no.8, KAB CSC 1/2/1/32, no.18, KAB CSC 1/2/1/32, no.5, KAB CSC 1/2/1/32, no.6, KAB CSC 1/2/1/33, no.7, KAB CSC 1/2/1/33, no.5, KAB CSC 1/2/1/33, no.8, KAB CSC 1/2/1/33, no.2, KAB CSC 1/2/1/33, no.10, KAB CSC 1/2/1/33, no.5, KAB CSC 1/2/1/34, no.7, KAB CSC 1/2/1/34, no.8, KAB CSC 1/2/1/34, no.11, KAB CSC 1/2/1/34, no.9, KAB CSC 1/2/1/34, no.5, KAB CSC 1/2/1/35, no.8 and KAB CSC 1/2/1/35, no.19, KAB CSC 1/2/1/35, no.3, KAB CSC 1/2/1/35, no.18, KAB CSC 1/2/1/36, no.7, KAB CSC 1/2/1/36, no.7, KAB CSC 1/2/1/37, no.15, KAB CSC 1/2/1/37, no.3, KAB CSC 1/2/1/37, no.8, KAB CSC 1/2/1/37, no.4, KAB CSC 1/2/1/38, no.15, KAB CSC 1/2/1/37, no.4, KAB CSC 1/2/1/38, no.9, KAB CSC 1/2/1/39, no.4, KAB CSC 1/2/1/35, no.9, KAB CSC 1/2/1/35, no.4, KAB CSC 1/2/1/39, no.5, KAB CSC 1/2/1/40, no.29, KAB CSC 1/2/1/41, no.13, KAB CSC 1/2/1/41, no.12, KAB CSC 1/2/1/42, no.11, KAB CSC 1/2/1/42, no.6, KAB CSC 1/2/1/43, no.2, KAB CSC 1/2/1/43, no.8, KAB CSC 1/2/1/42, no.11, KAB CSC 1/2/1/44, no.1, KAB CSC 1/2/1/44, no.7, KAB CSC 1/2/1/44, no.11 and KAB CSC 1/2/1/45, no.2, KAB CSC 1/2/1/46, no.6, KAB CSC 1/2/1/48, no.6 and KAB CSC 1/2/48, no.1, KAB CSC 1/2/1/47, no.18, KAB CSC 1/2/1/47, no.19, KAB CSC 1/2/1/48, no.10 and KAB CSC 1/2/1/48, no.12, KAB CSC 1/2/1/49, no.11, KAB CSC 1/2/1/49, no.12, KAB CSC 1/2/1/49, no.19, KAB CSC 1/2/1/50, no.4, KAB CSC 1/2/1/50, no.24, KAB CSC 1/2/1/50, no.1, KAB CSC 1/2/1/71, no.4, KAB CSC 1/2/1/50, no.4, KAB CSC 1/2/1/50, no.12, KAB CSC 1/2/1/50, no.13, KAB CSC 1/2/1/50, no.20, KAB CSC 1/2/1/51, no.13, KAB CSC 1/2/1/51, no.5, KAB CSC 1/2/1/51, no.6, KAB CSC 1/2/1/51, no.4, KAB CSC 1/2/1/54, no.8, KAB CSC 1/2/1/52, no.5, KAB CSC 1/2/1/53, no.13, KAB CSC 1/2/1/53, no.12, KAB CSC 1/2/1/53, no.13, KAB CSC 1/2/1/54, no.6, KAB CSC 1/2/1/54, no.4, KAB CSC 1/2/1/54, no.3, KAB CSC 1/2/1/54, no.2, KAB CSC 1/2/1/55, no.10, KAB CSC 1/2/1/55, no.2, KAB CSC 1/2/1/55, no.6, KAB CSC 1/2/1/55, no.5, KAB CSC 1/2/1/56, no.8, KAB CSC 1/2/1/56, no.10, KAB CSC 1/2/1/56, no.2, KAB CSC 1/2/1/56, no.10, KAB CSC 1/2/1/57, no.6, KAB CSC 1/2/1/56, no.3, KAB CSC 1/2/1/56, no.18, KAB CSC 1/2/1/56, no.18, KAB CSC 1/2/1/57, no.3, KAB CSC 1/2/1/57, no.6, KAB CSC 1/2/1/58, no.7, KAB CSC 1/2/1/58, no.8, KAB CSC 1/2/1/58, no.8, KAB CSC 1/2/1/58, no.4, KAB CSC 1/2/1/59, Henry, KAB CSC 1/2/1/59, Abram, KAB CSC 1/2/1/59, April, KAB CSC 1/2/1/59, no.3, KAB

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no.4, KAB CSC 1/2/1/89, no.3, KAB CSC 1/2/1/89, no.4, KAB CSC 1/2/1/89, no.6, KAB CSC 1/2/1/89, no.12, KAB CSC 1/2/1/89, no.1, KAB CSC 1/2/1/89, no.4, KAB CSC 1/2/1/89, no.1, KAB CSC 1/2/1/90, no.13, KAB CSC 1/2/1/90, no.3, KAB CSC 1/2/1/91, no.4, KAB CSC 1/2/1/91, no.3, KAB CSC 1/2/1/91, no.16, KAB CSC 1/2/1/91, no.2, KAB CSC 1/2/1/91, no.12, KAB CSC 1/2/1/93, no.4, KAB CSC 1/2/1/91, no. 1, KAB CSC 1/2/1/91, no.4, KAB CSC 1/2/1/91, no.3, KAB CSC 1/2/1/91, no.4, KAB CSC 1/2/1/91, no.5, KAB CSC 1/2/1/91, no.6, KAB CSC 1/2/1/91, no.7, KAB CSC 1/2/1/92, no.4, KAB CSC 1/2/1/92, no.5, KAB CSC 1/2/1/92, no.1, KAB CSC 1/2/1/92, no.2, KAB CSC 1/2/1/92, no.3, KAB CSC 1/2/1/92, no.6, KAB CSC 1/2/1/92, no.1, KAB CSC 1/2/1/92, no.3, KAB CSC 1/2/1/92, no.7, KAB CSC 1/2/1/92, no.9. KAB CSC 1/2/1/92, no.13, KAB CSC 1/2/1/93, no.1, KAB CSC 1/2/1/93, no.4, KAB CSC 1/2/1/93, no.2, KAB CSC 1/2/1/93, no.7, KAB CSC 1/2/1/93, no.3, KAB CSC 1/2/1/94, no.4, KAB CSC 1/2/1/94, no.2, KAB CSC 1/2/1/94, no.5, KAB CSC 1/2/1/95, no.5, KAB CSC 1/2/1/95, no.7, KAB CSC 1/2/1/95, no.8, KAB CSC 1/2/1/95, no.9, KAB CSC 1/2/1/95, no.7, KAB CSC 1/2/1/95, no.3, KAB CSC 1/2/1/95, no.6, KAB CSC 1/2/1/95, no.2, KAB CSC 1/2/1/95, no.3, KAB CSC 1/2/1/96, no.5, KAB CSC 1/2/1/96, no.1, KAB CSC 1/2/1/96, no.3, KAB CSC 1/2/1/97, no.3, KAB CSC 1/2/1/96, no.1, KAB CSC 1/2/1/96, no.3, KAB CSC 1/2/1/96, no.7, KAB CSC 1/2/1/96, no.1, KAB CSC 1/2/1/97, no.3, KAB CSC 1/2/1/97, no.2, KAB CSC 1/2/1/97, no.3, KAB CSC 1/2/1/97, no.2, KAB CSC 1/2/1/97, no.4, KAB CSC 1/2/1/97, no.1, KAB CSC 1/2/1/98, no.3, KAB CSC 1/2/1/98, no.5, KAB CSC 1/2/1/95, no.4, KAB CSC 1/2/1/98, no.5, KAB CSC 1/2/1/98, no.1, KAB CSC 1/2/1/99, no.7, KAB CSC 1/2/1/99, no.1, KAB CSC 1/2/1/99, no.2, KAB CSC 1/2/1/99, no.3, KAB CSC 1/2/1/99, no.2, KAB CSC 1/2/1/99, no.6, KAB CSC 1/2/1/99, no.6, KAB CSC 1/2/1/99, no.1, KAB CSC 1/2/1/99, no.9, KAB CSC 1/2/1/100, no.1, KAB CSC 1/2/1/100, no.2, KAB CSC 1/2/1/100, no.3, KAB CSC 1/2/1/101, no.5, KAB CSC 1/2/1/101, no.1, KAB CSC 1/2/1/101, no.3, KAB CSC 1/2/1/102, no.5, KAB CSC 1/2/1/102, no.4, KAB CSC 1/2/1/102, no.3, KAB CSC 1/2/1/102, no.2, KAB CSC 1/2/1/102, no.4, KAB CSC 1/2/1/102, no.2, KAB CSC 1/2/1/103, no.1, KAB CSC 1/2/1/103, no.5 and KAB CSC 1/2/1/103, no.5, KAB CSC 1/2/1/103, no.5, KAB CSC 1/2/1/103, no.5, KAB CSC 1/2/1/103, no.7, KAB CSC 1/2/1/103, no.8, KAB CSC 1/2/1/103, no.4, KAB CSC 1/2/1/103, no.6, KAB CSC 1/2/1/104, no.2, KAB CSC 1/2/1/104, no.3, KAB CSC 1/2/1/104, no.3, KAB CSC 1/2/1/104, no.1, KAB CSC 1/2/1/104, no.2, KAB CSC 1/2/1/104, no.2, KAB CSC 1/2/1/104, no.1, KAB CSC 1/2/1/104, no.5, KAB CSC 1/2/1/104, no.6, KAB CSC 1/2/1/104, no.3, KAB CSC 1/2/1/104, no.1, KAB CSC 1/2/1/104, no.2, KAB CSC 1/2/1/104, no.2, KAB CSC 1/2/1/104, no.1, KAB CSC 1/2/1/104, no.7, KAB CSC 1/2/1/105, no.6, KAB CSC 1/2/1/105, no.5, KAB CSC 1/2/1/105, no.1, KAB CSC 1/2/1/105, no.6, KAB CSC 1/2/1/105, no.1, KAB CSC 1/2/1/105, no.2, KAB CSC 1/2/1/105, no.4, KAB CSC 1/2/1/105, no.5, KAB CSC 1/2/1/105, no.1, KAB CSC 1/2/1/105, no.5, KAB CSC 1/2/1/105, no.2, KAB CSC 1/2/1/105, no.1, KAB CSC 1/2/1/105, no.5, KAB CSC 1/2/1/105, no.7, KAB CSC 1/2/1/105, no.1, KAB CSC 1/2/1/105, no.3, KAB CSC 1/2/1/106, no.4, KAB CSC 1/2/1/106, no.2, KAB CSC 1/2/1/106, no.3, KAB CSC 1/2/1/106, no.10, KAB CSC 1/2/1/107, no.4, KAB CSC 1/2/1/107, no.1, KAB CSC 1/2/1/107, no.1, KAB CSC 1/2/1/107, no.4, KAB CSC 1/2/1/107, no.1, KAB CSC 1/2/1/107, no.3, KAB CSC 1/2/1/107, no.5, KAB CSC 1/2/1/107, no.8, KAB CSC 1/2/1/107, no.13, KAB CSC 1/2/1/107, no.20, KAB CSC 1/2/1/107, no.3, KAB CSC 1/2/1/107, no.6, KAB CSC 1/2/1/107, no.6, KAB CSC 1/2/1/107, no.8, KAB CSC 1/2/1/107, no.9, KAB CSC 1/2/1/108, no.5, KAB CSC 1/2/1/108, no.1, KAB CSC 1/2/1/109, no.6, KAB CSC 1/2/1/109, no.1, KAB CSC 1/2/1/110, no.6, KAB CSC 1/2/1/110, Esau, KAB CSC 1/2/1/110, no.2, KAB CSC 1/2/1/110, no.5, KAB CSC 1/2/1/110, no.8, KAB CSC 1/2/1/110, no.12, KAB CSC 1/2/1/110, no.16, KAB CSC 1/2/1/111, no.11, KAB CSC 1/2/1/110, no.17, KAB CSC 1/2/1/110, no.2, KAB CSC 1/2/1/111, no.14, KAB CSC 1/2/1/111, no.1, KAB CSC 1/2/1/112, no.2, KAB CSC 1/2/1/112, no.9, KAB CSC 1/2/1/112, no.3, KAB CSC 1/2/1/112, no.4, KAB CSC 1/2/1/112,

no.13, KAB CSC 1/2/1/112, no.8, KAB CSC 1/2/1/112, no.10, KAB CSC 1/2/1/113, no.3, KAB CSC 1/2/1/113, no.4, KAB CSC 1/2/1/113, no.9, KAB CSC 1/2/1/113, no.3, KAB CSC 1/2/1/113, no.2, KAB CSC 1/2/1/113, no.3, KAB CSC 1/2/1/113, no.14, KAB CSC 1/2/1/113, no.15, KAB CSC 1/2/1/114, no.9, KAB CSC 1/2/1/113, no.11, KAB CSC 1/2/1/114, no.1, KAB CSC 1/2/1/114, no.2, KAB CSC 1/2/1/114, no.24, KAB CSC 1/2/1/114, no.6, KAB CSC 1/2/1/114, no.1, KAB CSC 1/2/1/114, no.1, KAB CSC 1/2/1/114, no.5, KAB CSC 1/2/1/115, no.8, KAB CSC 1/2/1/115, no.2, KAB CSC 1/2/1/115, no.1, KAB CSC 1/2/1/115, no.1, KAB CSC 1/2/1/115, no.3, KAB CSC 1/2/1/115, no.8 and KAB CSC 1/2/1/115, no.3.

7.3 Cases from Court of Justice, Cape Supreme Court and Circuit Courts

KAB CJ 797, case 409, Paul of Mozambique, KAB CJ 789, Isaak of the Cape, p.85, KAB CJ 798, August of Mozambique, p.249, KAB CJ 803, p.545, KAB CJ 805, pp.573-587, KAB CJ 804, p.11, KAB CJ 805, pp. 682-659, KAB CJ 809, no. 25, KAB CJ 809, no.28, KAB CJ 812, no.36, KAB CJ 814, no.6, KAB CJ 814, pp. 447-455, KAB CJ 815, pp. 42-54, KAB CJ 816, pp. 114-127, KAB CJ 816, pp.813-818, KAB CJ 816, pp. 1071-1081, KAB CJ, pp. 540-551, KAB CJ 818, pp. 269-280, KAB CJ 819, pp. 54-61, KAB CJ 819, pp. 124-133, KAB CJ 819, pp. 668-682, KAB CJ 820, no.17, KAB CJ 820, no.31, KAB CSC 1/1/1/1, no.6, KAB CSC 1/1/1/3, Adonis, KAB CSC 1/1/1/3, Charles, KAB CSC 1/1/1/4, no.11, KAB CSC 1/1/1/4, no.11, KAB CSC 1/1/1/5, no.8, KAB CSC 1/1/1/4, no.6, KAB CSC 1/1/1/7, no.8, KAB CSC 1/1/1/7, no.1, KAB CSC 1/1/1/8, no.4, KAB CSC 1/1/1/9, no.8, KAB CSC 1/1/1/9, no.3., KAB CSC 1/1/1/9, no.7, KAB CSC 1/1/1/9, no.3, KAB CSC 1/1/1/9, no.11, KAB CSC 1/1/1/9, no.12, KAB CSC 1/1/1/10, no.2, KAB CSC 1/1/1/10, no.2, KAB CSC 1/1/1/10, Hamet, KAB CSC 1/1/1/10, no.3, KAB CSC 1/1/1/10, no.1, KAB CSC 1/1/1/11, no.6, KAB CSC 1/1/1/11, Azor, KAB CSC 1/1/1/11, Joseph and Piet, KAB CSC 1/1/1/11, no.5, KAB CSC 1/1/1/12, no.9, KAB CSC 1/1/1/12, no. 11, KAB CSC 1/1/1/12, no.10, KAB CSC 1/1/1/12, no.8, KAB CSC 1/1/1/13, no.6, KAB CSC 1/1/1/13, no.5, KAB CSC 1/1/1/13, no.5, KAB CSC 1/1/1/13, no.1, KAB CSC 1/1/1/13, no.2, KAB CSC 1/1/1/14, no.2, KAB CSC 1/1/1/14, no.13, KAB CSC 1/1/1/15, no.2, KAB CSC 1/1/1/16, no.7, KAB CSC 1/1/1/16, no.8, KAB CSC 1/1/1/16, no.7, KAB CSC 1/1/1/16, no.6, KAB CSC 1/1/1/16, no.12, KAB CSC 1/1/1/16, no.3, KAB CSC 1/1/1/16, no.9, KAB CSC 1/1/1/16, no.6, KAB CSC 1/1/1/16, no.1, KAB CSC 1/1/1/16, no.7, KAB CSC 1/1/1/17, no.4, KAB CSC 1/1/1/17, no.7, KAB CSC 1/1/1/17, no.4, KAB CSC 1/1/1/17, no.3, KAB CSC 1/1/1/17, no.3, KAB CSC 1/1/1/17, no.9, KAB CSC 1/1/1/17, no.2, KAB CSC 1/1/1/17, no.4, KAB CSC 1/1/1/18, no.9, KAB CSC 1/1/1/18, no.14, KAB CSC 1/1/1/18, no.3, KAB CSC 1/1/1/18, no.2, KAB CSC 1/1/1/18, no.6, KAB CSC 1/1/1/18, no.6, KAB CSC 1/1/1/18, no.15, KAB CSC 1/1/1/18, no.7, KAB CSC 1/1/1/18, no.13, KAB CSC 1/1/1/19, no.2, KAB CSC 1/1/1/19, no.8, KAB CSC 1/1/1/19, no.21, KAB CSC 1/1/1/19, no.8, KAB CSC 1/1/1/19, no.10, KAB CSC 1/1/1/19, no.11, KAB CSC 1/1/1/19, no.5, KAB CSC 1/1/1/19, no.8, KAB CSC 1/1/1/19, no.14, KAB CSC 1/1/1/20, no.15, KAB CSC 1/1/1/20, no.12, KAB CSC 1/1/1/20, no.6, KAB CSC 1/1/1/20, no.26, KAB CSC 1/1/1/20, no.10, KAB CSC 1/1/1/21, no.1, KAB CSC 1/1/1/21, no.19 and KAB CSC 1/1/1/21, no.20, KAB CSC 1/1/1/21, no.3, KAB CSC 1/1/1/21, no.7 and KAB CSC 1/1/1/21, no.2, KAB CSC 1/1/1/21, no.14, KAB CSC 1/1/1/22, no.4, KAB CSC 1/1/1/22, no.16, KAB CSC 1/1/1/22, no.33, KAB CSC 1/1/1/22, no.14, KAB CSC 1/1/1/22, no.3, KAB CSC 1/1/1/23, no.4, KAB CSC 1/1/1/23, no.6, KAB CSC 1/1/1/23, no.229, KAB CSC 1/1/1/23, no.14, KAB CSC 1/1/1/23, no.8, KAB CSC 1/1/1/24, no.1, KAB CSC 1/1/1/24, no.3, KAB CSC 1/1/1/24, no.1, KAB CSC 1/1/1/24, no.2, KAB CSC 1/1/1/24, no.14, KAB CSC 1/1/1/24, no.7, KAB CSC 1/1/1/24, no.2, KAB CSC 1/1/1/25, no.12, KAB CSC 1/1/1/25, no.6, KAB CSC 1/1/1/25, no.16, KAB CSC 1/1/1/25, no.4, KAB CSC 1/1/1/26, no.1, KAB CSC 1/1/1/26, no.2, KAB CSC 1/1/1/25, no.4, KAB CSC 1/1/1/25, no.6, KAB CSC 1/1/1/25, no.9, KAB CSC 1/1/1/25, no.13, KAB CSC

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Henry, KAB CSC 1/2/1/59, Abram, KAB CSC 1/2/1/59, April, KAB CSC 1/2/1/59, no.3, KAB CSC 1/2/1/59, no.11, KAB CSC 1/2/1/59, no.6, KAB CSC 1/2/1/59, no.13, KAB CSC 1/2/1/59, no.6, KAB CSC 1/2/1/59, no.10, KAB CSC 1/2/1/64, no.9, KAB CSC 1/2/1/58, no.5, KAB CSC 1/2/1/59, no.21, KAB CSC 1/2/1/59, no.1, KAB CSC 1/2/1/59, no.2, KAB CSC 1/2/1/61, no.9, KAB CSC 1/2/1/61, no.11, KAB CSC 1/2/1/63, no.3 and KAB CSC 1/2/1/63, no.4, KAB CSC 1/2/1/63, no.2, KAB CSC 1/2/1/63, no.1, KAB CSC 1/2/1/63, no.4, KAB CSC 1/2/1/64, no.5., KAB CSC 1/2/1/64, no.11, KAB CSC 1/2/1/64, no.12, KAB CSC 1/2/1/64, no.21, KAB CSC 1/2/1/64, no.2, KAB CSC 1/2/1/65, Petrus, KAB CSC 1/2/1/65, no.2, KAB CSC 1/2/1/66, no.4, KAB CSC 1/2/1/66, no.11, KAB CSC 1/2/1/66, no.27, KAB CSC 1/2/1/66, no.2, KAB CSC 1/2/1/67, no.1, KAB CSC 1/2/1/67, no.6, KAB CSC 1/2/1/67, no.4, KAB CSC 1/2/1/68, no.15, KAB CSC 1/2/1/68, no.14, KAB CSC 1/2/1/68, no.4, KAB CSC 1/2/1/68, no.2, KAB CSC 1/2/1/68, no.1, KAB CSC 1/2/1/68, no.6, KAB CSC 1/2/1/69, no.12, KAB CSC 1/2/1/69, no.13, KAB CSC 1/2/1/69, no.14, KAB CSC 1/2/1/70, no.12, KAB CSC 1/2/1/71, no.1, KAB CSC 1/2/1/67, no.2, KAB CSC 1/2/1/67, no.13, KAB CSC 1/2/1/67, no.1, KAB CSC 1/2/1/67, no.5, KAB CSC 1/2/1/67, no.5, KAB CSC 1/2/1/69, no.10, KAB CSC 1/2/1/69, no.12, KAB CSC 1/2/1/69, no.4, KAB CSC 1/2/1/69, no.9, KAB CSC 1/2/1/70, no.5, KAB CSC 1/2/1/69, no.11, KAB CSC 1/2/1/70, no.2, KAB CSC 1/2/1/70, no.4, KAB CSC 1/2/1/70, no.6, KAB CSC 1/2/1/70, no.2, KAB CSC 1/2/1/71, no.4, KAB CSC 1/2/1/71, no.2, KAB CSC 1/2/1/71, no.1, KAB CSC 1/2/1/71, no.6, KAB CSC 1/2/1/71, no.7, KAB CSC 1/2/1/71, no.1, KAB CSC 1/2/1/71, no.4, KAB CSC 1/2/1/71, no.6, KAB CSC 1/2/1/71, no.5, KAB CSC 1/2/1/67, no.1, KAB CSC 1/2/1/71, no.2, KAB CSC 1/2/1/71, no.12, KAB CSC 1/2/1/71, no.5, KAB CSC 1/2/1/71, no.6, KAB CSC 1/2/1/71, no.8, KAB CSC 1/2/1/72, no.7, KAB CSC 1/2/1/72, no.8, KAB CSC 1/2/1/72, no.7, KAB CSC 1/2/1/72, no.13, KAB CSC 1/2/1/72, no.8, KAB CSC 1/2/1/73, no.15, KAB CSC 1/2/1/73, no.12, KAB CSC 1/2/1/73, no.12, KAB CSC 1/2/1/73, no.2, KAB CSC 1/2/1/73, no.24, KAB CSC 1/2/1/73, no.4, KAB CSC 1/2/1/74, no.13, KAB CSC 1/2/1/84, Dampie, KAB CSC 1/2/1/73, no.16, KAB CSC 1/2/1/73, no.23, KAB CSC 1/2/1/73, no.1, KAB CSC 1/2/1/73, no.2, KAB CSC 1/2/1/73, no.11, KAB CSC 1/2/1/75, no.7, KAB CSC 1/2/1/75, no.8, KAB CSC 1/2/1/75, no.46, KAB CSC 1/2/1/75, no.7, KAB CSC 1/2/1/75, no.8, KAB CSC 1/2/1/75, no.4, KAB CSC 1/2/1/76, no.6, KAB CSC 1/2/1/76, no.12, KAB CSC 1/2/1/76, no.12, KAB CSC 1/2/1/76, no.8, KAB CSC 1/2/1/76, no.8, KAB CSC 1/2/1/76, no.7, KAB CSC 1/2/1/76, no.17, KAB CSC 1/2/1/77, no.5, KAB CSC 1/2/1/77, no.4, KAB CSC 1/2/1/77, no.8, KAB CSC 1/2/1/77, no.12, KAB CSC 1/2/1/77, no.17, KAB CSC 1/2/1/77, no.13, KAB CSC 1/2/1/78, no.6, KAB CSC 1/2/1/78, no.5, KAB CSC 1/2/1/78, no.6, KAB CSC 1/2/1/78, no.8, KAB CSC 1/2/1/77, no.8, KAB CSC 1/2/1/78, no.5, KAB CSC 1/2/1/78, no.8, KAB CSC 1/2/1/78, no.8, KAB CSC 1/2/1/78, no.3, KAB CSC 1/2/1/78, no.2, KAB CSC 1/2/1/79, no.6, KAB CSC 1/2/1/79, no.19, KAB CSC 1/2/1/79, no.14, KAB CSC 1/2/1/79, no.5, KAB CSC 1/2/1/79, no.8, KAB CSC 1/2/1/81, no.10, KAB CSC 1/2/1/80, no.10, KAB CSC 1/2/1/82, no.11, KAB CSC 1/2/1/82, no.19, KAB CSC 1/2/1/82, no.16, KAB CSC 1/2/1/82, no.1, KAB CSC 1/2/1/84, Michiel, KAB CSC 1/2/1/83, no.14, KAB CSC 1/2/1/83, no.12, KAB CSC 1/2/1/86, no.12, KAB CSC 1/2/1/84, Patrick, KAB CSC 1/2/1/84, no.4, KAB CSC 1/2/1/84, no.11, KAB CSC 1/2/1/85, no.3, KAB CSC 1/2/1/85, no.1, KAB CSC 1/2/1/85, no.2, KAB CSC 1/2/1/85, no.1, KAB CSC 1/2/1/85, no.4, KAB CSC 1/2/1/85, no.1, KAB CSC 1/2/1/85, no.3, KAB CSC 1/2/1/86, no.7, KAB CSC 1/2/1/86, no.9, KAB CSC 1/2/1/86, no.3, KAB CSC 1/2/1/86, no.3, KAB CSC 1/2/1/86, no.3, KAB CSC 1/2/1/86, no.4, KAB CSC 1/2/1/86, no.3, KAB CSC 1/2/1/86, no.5, KAB CSC 1/2/1/86, no.5, KAB CSC 1/2/1/87, no.1, KAB CSC 1/2/1/92, no.2, KAB CSC 1/2/1/87, no.1, KAB CSC 1/2/1/87, no.4, KAB CSC 1/2/1/87, no.5, KAB CSC 1/2/1/88, no.4, KAB CSC 1/2/1/88, no.6, KAB CSC 1/2/1/88, no.2, KAB CSC 1/2/1/88, no.14, KAB CSC 1/2/1/88, no.6, KAB CSC 1/2/1/88, no.16, KAB CSC 1/2/1/88, no.11, KAB CSC 1/2/1/88, no.12, KAB CSC 1/2/1/88, no.13, KAB CSC 1/2/1/88, no.2, KAB CSC 1/2/1/88, no.6, KAB

CSC 1/2/1/89, no.6, KAB CSC 1/2/1/89, no.1, KAB CSC 1/2/1/89, no.1, KAB CSC 1/2/1/89, no.4, KAB CSC 1/2/1/89, no.3, KAB CSC 1/2/1/89, no.4, KAB CSC 1/2/1/89, no.6, KAB CSC 1/2/1/89, no.12, KAB CSC 1/2/1/89, no.1, KAB CSC 1/2/1/89, no.4, KAB CSC 1/2/1/89, no.1, KAB CSC 1/2/1/90, no.13, KAB CSC 1/2/1/90, no.3, KAB CSC 1/2/1/91, no.4, KAB CSC 1/2/1/91, no.3, KAB CSC 1/2/1/91, no.16, KAB CSC 1/2/1/91, no.2, KAB CSC 1/2/1/91, no.12, KAB CSC 1/2/1/93, no.4, KAB CSC 1/2/1/91, no. 1, KAB CSC 1/2/1/91, no.4, KAB CSC 1/2/1/91, no.3, KAB CSC 1/2/1/91, no.4, KAB CSC 1/2/1/91, no.5, KAB CSC 1/2/1/91, no.6, KAB CSC 1/2/1/91, no.7, KAB CSC 1/2/1/92, no.4, KAB CSC 1/2/1/92, no.5, KAB CSC 1/2/1/92, no.1, KAB CSC 1/2/1/92, no.2, KAB CSC 1/2/1/92, no.3, KAB CSC 1/2/1/92, no.6, KAB CSC 1/2/1/92, no.1, KAB CSC 1/2/1/92, no.3, KAB CSC 1/2/1/92, no.7, KAB CSC 1/2/1/92, no.9, KAB CSC 1/2/1/92, no.13, KAB CSC 1/2/1/93, no.1, KAB CSC 1/2/1/93, no.4, KAB CSC 1/2/1/93, no.2, KAB CSC 1/2/1/93, no.7, KAB CSC 1/2/1/93, no.3, KAB CSC 1/2/1/94, no.4, KAB CSC 1/2/1/94, no.2, KAB CSC 1/2/1/94, no.5, KAB CSC 1/2/1/95, no.5, KAB CSC 1/2/1/95, no.7, KAB CSC 1/2/1/95, no.8, KAB CSC 1/2/1/95, no.9, KAB CSC 1/2/1/95, no.7, KAB CSC 1/2/1/95, no.3, KAB CSC 1/2/1/95, no.6, KAB CSC 1/2/1/95, no.2, KAB CSC 1/2/1/95, no.3, KAB CSC 1/2/1/96, no.5, KAB CSC 1/2/1/96, no.1, KAB CSC 1/2/1/96, no.3, KAB CSC 1/2/1/97, no.3, KAB CSC 1/2/1/96, no.1, KAB CSC 1/2/1/96, no.3, KAB CSC 1/2/1/96, no.7, KAB CSC 1/2/1/96, no.1, KAB CSC 1/2/1/97, no.3, KAB CSC 1/2/1/97, no.2, KAB CSC 1/2/1/97, no.3, KAB CSC 1/2/1/97, no.2, KAB CSC 1/2/1/97, no.4, KAB CSC 1/2/1/97, no.1, KAB CSC 1/2/1/98, no.3, KAB CSC 1/2/1/98, no.5, KAB CSC 1/2/1/95, no.4, KAB CSC 1/2/1/98, no.5, KAB CSC 1/2/1/98, no.1, KAB CSC 1/2/1/99, no.7, KAB CSC 1/2/1/99, no.1, KAB CSC 1/2/1/99, no.2, KAB CSC 1/2/1/99, no.3, KAB CSC 1/2/1/99, no.2, KAB CSC 1/2/1/99, no.6, KAB CSC 1/2/1/99, no.6, KAB CSC 1/2/1/99, no.1, KAB CSC 1/2/1/99, no.9, KAB CSC 1/2/1/100, no.1, KAB CSC 1/2/1/100, no.2, KAB CSC 1/2/1/100, no.3, KAB CSC 1/2/1/101, no.5, KAB CSC 1/2/1/101, no.1, KAB CSC 1/2/1/101, no.3, KAB CSC 1/2/1/102, no.5, KAB CSC 1/2/1/102, no.4, KAB CSC 1/2/1/102, no.3, KAB CSC 1/2/1/102, no.2, KAB CSC 1/2/1/102, no.4, KAB CSC 1/2/1/102, no.2, KAB CSC 1/2/1/103, no.1, KAB CSC 1/2/1/103, no.5 and KAB CSC 1/2/1/103, no.5, KAB CSC 1/2/1/103, no.5, KAB CSC 1/2/1/103, no.5, KAB CSC 1/2/1/103, no.7, KAB CSC 1/2/1/103, no.8, KAB CSC 1/2/1/103, no.4, KAB CSC 1/2/1/103, no.6, KAB CSC 1/2/1/104, no.2, KAB CSC 1/2/1/104, no.3, KAB CSC 1/2/1/104, no.3, KAB CSC 1/2/1/104, no.1, KAB CSC 1/2/1/104, no.2, KAB CSC 1/2/1/104, no.2, KAB CSC 1/2/1/104, no.1, KAB CSC 1/2/1/104, no.5, KAB CSC 1/2/1/104, no.6, KAB CSC 1/2/1/104, no.3, KAB CSC 1/2/1/104, no.1, KAB CSC 1/2/1/104, no.2, KAB CSC 1/2/1/104, no.2, KAB CSC 1/2/1/104, no.1, KAB CSC 1/2/1/104, no.7, KAB CSC 1/2/1/105, no.6, KAB CSC 1/2/1/105, no.5, KAB CSC 1/2/1/105, no.1, KAB CSC 1/2/1/105, no.6, KAB CSC 1/2/1/105, no.1, KAB CSC 1/2/1/105, no.2, KAB CSC 1/2/1/105, no.4, KAB CSC 1/2/1/105, no.5, KAB CSC 1/2/1/105, no.1, KAB CSC 1/2/1/105, no.5, KAB CSC 1/2/1/105, no.2, KAB CSC 1/2/1/105, no.1, KAB CSC 1/2/1/105, no.5, KAB CSC 1/2/1/105, no.7, KAB CSC 1/2/1/105, no.1, KAB CSC 1/2/1/105, no.3, KAB CSC 1/2/1/106, no.4, KAB CSC 1/2/1/106, no.2, KAB CSC 1/2/1/106, no.3, KAB CSC 1/2/1/106, no.10, KAB CSC 1/2/1/107, no.4, KAB CSC 1/2/1/107, no.1, KAB CSC 1/2/1/107, no.1, KAB CSC 1/2/1/107, no.4, KAB CSC 1/2/1/107, no.1, KAB CSC 1/2/1/107, no.3, KAB CSC 1/2/1/107, no.5, KAB CSC 1/2/1/107, no.8, KAB CSC 1/2/1/107, no.13, KAB CSC 1/2/1/107, no.20, KAB CSC 1/2/1/107, no.3, KAB CSC 1/2/1/107, no.6, KAB CSC 1/2/1/107, no.6, KAB CSC 1/2/1/107, no.8, KAB CSC 1/2/1/107, no.9, KAB CSC 1/2/1/108, no.5, KAB CSC 1/2/1/108, no.1, KAB CSC 1/2/1/109, no.6, KAB CSC 1/2/1/109, no.1, KAB CSC 1/2/1/110, no.6, KAB CSC 1/2/1/110, Esau, KAB CSC 1/2/1/110, no.2, KAB CSC 1/2/1/110, no.5, KAB CSC 1/2/1/110, no.8, KAB CSC 1/2/1/110, no.12, KAB CSC 1/2/1/110, no.16, KAB CSC 1/2/1/111, no.11, KAB CSC 1/2/1/110, no.17, KAB CSC 1/2/1/110, no.2, KAB CSC 1/2/1/111, no.14, KAB CSC 1/2/1/111, no.1 , KAB CSC 1/2/1/112, no.2, KAB CSC

1/2/1/112, no.9, KAB CSC 1/2/1/112, no.3, KAB CSC 1/2/1/112, no.4, KAB CSC 1/2/1/112, no.13, KAB CSC 1/2/1/112, no.8, KAB CSC 1/2/1/112, no.10, KAB CSC 1/2/1/113, no.3, KAB CSC 1/2/1/113, no.4, KAB CSC 1/2/1/113, no.9, KAB CSC 1/2/1/113, no.3, KAB CSC 1/2/1/113, no.2, KAB CSC 1/2/1/113, no.3, KAB CSC 1/2/1/113, no.14, KAB CSC 1/2/1/113, no.15, KAB CSC 1/2/1/114, no.9, KAB CSC 1/2/1/113, no.11, KAB CSC 1/2/1/114, no.1, KAB CSC 1/2/1/114, no.2, KAB CSC 1/2/1/114, no.24, KAB CSC 1/2/1/114, no.6, KAB CSC 1/2/1/114, no.1, KAB CSC 1/2/1/114, no.1, KAB CSC 1/2/1/114, no.5, KAB CSC 1/2/1/115, no.8, KAB CSC 1/2/1/115, no.2, KAB CSC 1/2/1/115, no.1, KAB CSC 1/2/1/115, no.1, KAB CSC 1/2/1/115, no.3, KAB CSC 1/2/1/115, no.8 and KAB CSC 1/2/1/115, no.3.

7.4 Cases of rapists who were labourers from the Court of Justice and Cape Supreme Court records

KAB SCS 1/1/1/9, no.3, KAB SCS 1/1/1/11, no.5, KAB SCS 1/1/1/13, no.5, KAB SCS 1/1/1/13, no.2, KAB SCS 1/1/1/14, no.2, KAB SCS 1/1/1/14, no.13, KAB SCS 1/1/1/16, no.7, KAB SCS 1/1/1/16, no.7, KAB SCS 1/1/1/16, no.6, KAB SCS 1/1/1/16, no.12, KAB SCS 1/1/1/16, no.9, KAB SCS 1/1/1/16, no.1, KAB SCS 1/1/1/17, no.4, KAB SCS 1/1/1/17, no.16, KAB SCS 1/1/1/17, no.9, KAB SCS 1/1/1/18, no.14, KAB SCS 1/1/1/18, no.3, KAB SCS 1/1/1/18, no.2, KAB SCS 1/1/1/18, no.6, KAB SCS 1/1/1/18, no.15, KAB SCS 1/1/1/19, no.3, KAB SCS 1/1/1/19, no.10, KAB SCS 1/1/1/19, no.11, KAB SCS 1/1/1/19, no.5, KAB SCS 1/1/1/19, no.8, KAB SCS 1/1/1/20, no.6, KAB SCS 1/1/1/20, no.10, KAB SCS 1/1/1/21, no.1, KAB SCS 1/1/1/21, no.19, KAB SCS 1/1/1/21, no.20, KAB SCS 1/1/1/21, no.3, KAB SCS 1/1/1/21, no.7, KAB SCS 1/1/1/21, no.2, KAB SCS 1/1/1/22, no.4, KAB SCS 1/1/1/22, no.16, KAB SCS 1/1/1/22, no.14, KAB SCS 1/1/1/23, no.4, KAB SCS 1/1/1/23, no.8, KAB SCS 1/1/1/25, no.6, KAB SCS 1/1/1/25, no.4, KAB SCS 1/1/1/26, no.1, KAB SCS 1/1/1/26, no.2, KAB SCS 1/1/1/25, no.9, KAB SCS 1/1/1/25, no.13, KAB SCS 1/1/1/25, no.16, KAB SCS 1/1/1/25, no.6, KAB SCS 1/1/1/27, no.8, KAB SCS 1/1/1/29, no.7, KAB SCS 1/1/1/30, no.4, KAB SCS 1/1/1/31, no.5, KAB SCS 1/1/1/31, no.12, KAB SCS 1/1/1/33, no.2, KAB SCS 1/1/1/33, no.1, KAB SCS 1/1/1/33, no.2, KAB SCS 1/1/1/33, no.10, KAB SCS 1/1/1/33, no.11, KAB SCS 1/1/1/33, no.4, KAB SCS 1/1/1/33, no.6, KAB SCS 1/1/1/33, no.8, KAB SCS 1/1/1/33, no.9, KAB SCS 1/1/1/34, no.2, KAB SCS 1/1/1/34, no.6, KAB SCS 1/1/1/34, no.3, KAB SCS 1/1/1/34, no.10, KAB SCS 1/1/1/35, no.12, KAB SCS 1/1/1/35, no.1, KAB SCS 1/1/1/36, no.8, KAB SCS 1/1/1/36, no.9, KAB CSC 1/1/1/36, no.12, KAB SCS 1/1/1/36, no.3, KAB SCS 1/1/1/37, no.1, KAB SCS 1/1/1/37, no.2, KAB SCS 1/1/1/37, no.3, KAB SCS 1/1/1/37, no.4, KAB SCS 1/1/1/37, no.4, KAB SCS 1/1/1/37, no.5, KAB SCS 1/1/1/37, no.10, KAB SCS 1/1/1/37, no.18, KAB SCS 1/1/1/37, no.3, KAB SCS 1/1/1/37, no.9, KAB SCS 1/1/1/38, no.2, KAB SCS 1/1/1/38, no.3, KAB SCS 1/1/1/38, no.2, KAB SCS 1/1/1/38, no.15, KAB SCS 1/1/1/39, no.4, KAB SCS 1/1/1/39, no.25, KAB SCS 1/1/1/39, no.4, KAB SCS 1/1/1/39, no.8, KAB SCS 1/1/1/39, no.14, KAB SCS 1/1/1/40, no.5, KAB SCS 1/1/1/40, no.16, KAB SCS 1/1/1/41, no.8, KAB SCS 1/1/1/41, no.5, KAB SCS 1/1/1/41, no.9, KAB SCS 1/1/1/40, no.4, KAB SCS 1/1/1/42, no.4, KAB SCS 1/1/1/42, no.6, KAB SCS 1/1/1/42, no.5 and KAB SCS 1/1/1/42, no.21.

7.5 Cases of rapists who were labourers from the Circuit Court records

KAB CSC 1/2/1/1, no.2, KAB CSC 1/2/1/5, no.1, KAB CSC 1/2/1/8, no.22, KAB CSC 1/2/1/10, no.16, KAB CSC 1/2/1/10, no.7, KAB CSC 1/2/1/11, no.21, KAB CSC 1/2/1/14, no.7, KAB CSC 1/2/1/15, no.7, KAB CSC 1/2/1/18, no.17, KAB CSC 1/2/1/18, no.13, KAB CSC 1/2/1/20, no.33, KAB CSC 1/2/1/21, no.14, KAB CSC 1/2/1/23, no.11, KAB CSC 1/2/1/23, no.13, KAB CSC 1/2/1/24, no.1, KAB CSC 1/2/1/25, no.17, KAB CSC 1/2/1/26,

no.8, KAB CSC 1/2/1/26, no.13, KAB CSC 1/2/1/27, no.4, KAB CSC 1/2/1/28, no.7, KAB CSC 1/2/1/29, no.5, KAB CSC 1/2/1/29, no.2, KAB CSC 1/2/1/29, no. 8, KAB CSC 1/2/1/30, no.12, KAB CSC 1/2/1/31, no.18, KAB CSC 1/2/1/31, no.5, KAB CSC 1/2/1/32, no.5, KAB CSC 1/2/1/32, no.18, KAB CSC 1/2/1/32, no.5, KAB CSC 1/2/1/33, no.7, KAB CSC 1/2/1/33, no.2, KAB CSC 1/2/1/33, no.5, KAB CSC 1/2/1/33, no.10, KAB CSC 1/2/1/34, no.9, KAB CSC 1/2/1/34, no.5, KAB CSC 1/2/1/36, no.7, KAB CSC 1/2/1/37, no.3, KAB CSC 1/2/1/37, no.4, KAB CSC 1/2/1/39, no.4, KAB CSC 1/2/1/35, no.9, KAB CSC 1/2/1/41, no.13, KAB CSC 1/2/1/42, no.6, KAB CSC 1/2/1/43, no.8, KAB CSC 1/2/1/44, no.1, KAB CSC 1/2/1/44, no.11, KAB CSC 1/2/1/46, no.6, KAB CSC 1/2/1/48, no.6, KAB CSC 1/2/1/48, no.12, KAB CSC 1/2/1/49, no.12, KAB CSC 1/2/1/50, no.4, KAB CSC 1/2/1/50, no.12, KAB CSC 1/2/1/50, no.13, KAB CSC 1/2/1/53, no.13, KAB CSC 1/2/1/54, no.2, KAB CSC 1/2/1/54, no.8, KAB CSC 1/2/1/56, no.10, KAB CSC 1/2/1/56, no.18, KAB CSC 1/2/1/56, no.2, KAB CSC 1/2/1/56, no.10, KAB CSC 1/2/1/59, April, KAB CSC 1/2/1/59, no.3, KAB CSC 1/2/1/59, no.11, KAB CSC 1/2/1/59, no.6, KAB CSC 1/2/1/59, no.1, KAB CSC 1/2/1/59, no.2, KAB CSC 1/2/1/61, no.9, KAB CSC 1/2/1/63, no.2, KAB CSC 1/2/1/63, no.7, KAB CSC 1/2/1/63, no.1, KAB CSC 1/2/1/63, no.4, KAB CSC 1/2/1/64, no.9, KAB CSC 1/2/1/65, Le Fleur, KAB CSC 1/2/1/66, no.4, KAB CSC 1/2/1/68, no.4, KAB CSC 1/2/1/68, no.2, KAB CSC 1/2/1/68, no.1, KAB CSC 1/2/1/68, no.6, KAB CSC 1/2/1/69, no.10, KAB CSC 1/2/1/69, no.12, KAB CSC 1/2/1/70, no.5, KAB CSC 1/2/1/70, no.12, KAB CSC 1/2/1/69, no.11, KAB CSC 1/2/1/70, no.6, KAB CSC 1/2/1/70, no.2, KAB CSC 1/2/1/71, no.4, KAB CSC 1/2/1/71, no.7, KAB CSC 1/2/1/71, no.2, KAB CSC 1/2/1/72, no.8, KAB CSC 1/2/1/72, no.8, KAB CSC 1/2/1/73, no.1, KAB CSC 1/2/1/75, no.46, KAB CSC 1/2/1/75, no.8, KAB CSC 1/2/1/76, no.12, KAB CSC 1/2/1/76, no.8, KAB CSC 1/2/1/77, no.5, KAB CSC 1/2/1/77, no.8, KAB CSC 1/2/1/78, no.8, KAB CSC 1/2/1/78, no.2, KAB CSC 1/2/1/79, no.6, KAB CSC 1/2/1/79, no.14, KAB CSC 1/2/1/79, no.8, KAB CSC 1/2/1/80, no.10, KAB CSC 1/2/1/82, no.11, KAB CSC 1/2/1/82, no.19, KAB CSC 1/2/1/82, no.1, KAB CSC 1/2/1/83, no.14, KAB CSC 1/2/1/84, Michiel, KAB CSC 1/2/1/85, no.1, KAB CSC 1/2/1/85, no.2, KAB CSC 1/2/1/85, no.3, KAB CSC 1/2/1/85, no.1, KAB CSC 1/2/1/85, no.3, KAB CSC 1/2/1/86, no.9, KAB CSC 1/2/1/86, no.3, KAB CSC 1/2/1/85, no.3, KAB CSC 1/2/1/86, no.9, KAB CSC 1/2/1/86, no.3, KAB CSC 1/2/1/86, no.3, KAB CSC 1/2/1/86, no.3, KAB CSC 1/2/1/87, no.5, KAB CSC 1/2/1/88, no.4, KAB CSC 1/2/1/88, no.6, KAB CSC 1/2/1/88, no.6, KAB CSC 1/2/1/88, no.3, KAB CSC 1/2/1/88, no.11, KAB CSC 1/2/1/89, no.1, KAB CSC 1/2/1/89, no.4, KAB CSC 1/2/1/89, no.6, KAB CSC 1/2/1/89, no.12, KAB CSC 1/2/1/89, no.4, KAB CSC 1/2/1/90, no.3, KAB CSC 1/2/1/91, no.1, KAB CSC 1/2/1/91, no.3, KAB CSC 1/2/1/91, no.4, KAB CSC 1/2/1/91, no.4, KAB CSC 1/2/1/92, no.1, KAB CSC 1/2/1/92, no.1, KAB CSC 1/2/1/92, no.3, KAB CSC 1/2/1/92, no.7, KAB CSC 1/2/1/92, no.13, KAB CSC 1/2/1/93, no.4, KAB CSC 1/2/1/94, no.4, KAB CSC 1/2/1/95, no.6, KAB CSC 1/2/1/96, no.3, KAB CSC 1/2/1/95, no.2, KAB CSC 1/2/1/96, no.3, KAB CSC 1/2/1/96, no.1, KAB CSC 1/2/1/96, no.3, KAB CSC 1/2/1/96, no.1, KAB CSC 1/2/1/97, no.2, KAB CSC 1/2/1/98, no.5, KAB CSC 1/2/1/99, no.1, KAB CSC 1/2/1/99, no.7, KAB CSC 1/2/1/99, no.3, KAB CSC 1/2/1/99, no.1, KAB CSC 1/2/1/99, no.9, KAB CSC 1/2/1/100, no.1, KAB CSC 1/2/1/100, no.3, KAB CSC 1/2/1/101, no.5, KAB CSC 1/2/1/101, no.3, KAB CSC 1/2/1/102, no.4, KAB CSC 1/2/1/102, no.3, KAB CSC 1/2/1/102, no.2, KAB CSC 1/2/1/103, no.5, KAB CSC 1/2/1/103, no.5, KAB CSC 1/2/1/103, no.5, KAB CSC 1/2/1/103, no.4, KAB CSC 1/2/1/104, no.1, KAB CSC 1/2/1/104, no.2, KAB CSC 1/2/1/104, no.3, KAB CSC 1/2/1/104, no.5, KAB CSC 1/2/1/104, no.5, KAB CSC 1/2/1/104, no.3, KAB CSC 1/2/1/104, no.1, KAB CSC 1/2/1/104, no.2, KAB CSC 1/2/1/105, no.6, KAB CSC 1/2/1/105, no.1, KAB CSC 1/2/1/105, no.5, KAB CSC 1/2/1/105, no.5, KAB CSC 1/2/1/105, no.3, KAB CSC 1/2/1/106, no.4, KAB CSC 1/2/1/106, no.1, KAB CSC 1/2/1/106, no.2, KAB CSC 1/2/1/107, no.1, KAB CSC 1/2/1/107, no.5, KAB CSC 1/2/1/107, no.13, KAB CSC 1/2/1/107, no.3, KAB CSC 1/2/1/107, no.8, KAB CSC 1/2/1/107,

no.9, KAB CSC 1/2/1/108, no.1, KAB CSC 1/2/1/108, no.5, KAB CSC 1/2/1/110, no.2, KAB CSC 1/2/1/110, no.5, KAB CSC 1/2/1/110, no.8, KAB CSC 1/2/1/110, no.16, KAB CSC 1/2/1/111, no.11, KAB CSC 1/2/1/111, no.1, KAB CSC 1/2/1/112, no.10, KAB CSC 1/2/1/113, no.4, KAB CSC 1/2/1/113, no.3, KAB CSC 1/2/1/113, no.2, KAB CSC 1/2/1/114, no.2, KAB CSC 1/2/1/114, no.1, KAB CSC 1/2/1/114, no.5, KAB CSC 1/2/1/115, no.2, KAB CSC 1/2/1/115, no.1, KAB CSC 1/2/1/24, no.7, KAB CSC 1/2/1/115, no.1 and KAB CSC 1/2/1/113, no.11.

7.6 Cases of rape occurring in the “low incident districts”

KAB CSC 1/2/1/7, no.8, KAB CSC 1/2/1/11, no.10, KAB CSC 1/2/1/14, no.8, KAB CSC 1/2/1/17, no.6, KAB CSC 1/2/1/20, no.14, KAB CSC 1/2/1/21, no.5, KAB CSC 1/2/1/21, no.2, KAB CSC 1/2/1/24, no.7, KAB CSC 1/2/1/27, no.2, KAB CSC 1/2/1/27, no.7, KAB CSC 1/2/1/32, no.18, KAB CSC 1/2/1/33, no.2, KAB CSC 1/2/1/33, no.5, KAB CSC 1/2/1/34, no.5, KAB CSC 1/2/1/35, no.3, KAB CSC 1/2/1/38, no.15, KAB CSC 1/2/1/39, no.5, KAB CSC 1/2/1/53, no.12, KAB CSC 1/2/1/54, no.2, KAB CSC 1/2/1/54, no.8, KAB CSC 1/2/1/56, no.10, KAB CSC 1/2/1/56, no.2, KAB CSC 1/2/1/57, no.6, KAB CSC 1/2/1/58, no.8, KAB CSC 1/2/1/59, Henry Saunders, KAB CSC 1/2/1/59, Abram Peters, KAB CSC 1/2/1/59, no.13, KAB CSC 1/2/1/59, no.21, KAB CSC 1/2/1/59, no.2, KAB CSC 1/2/1/61, no.9, KAB CSC 1/2/1/63, no.7, KAB CSC 1/2/1/64, no.9, KAB CSC 1/2/1/65, Le Fleur, KAB CSC 1/2/1/65, no.2, KAB CSC 1/2/1/66, no.11, KAB CSC 1/2/1/67, no.6, KAB CSC 1/2/1/68, no.2, KAB CSC 1/2/1/68, no.6, KAB CSC 1/2/1/69, no.12, KAB CSC 1/2/1/69, no.14, KAB CSC 1/2/1/70, no.4, KAB CSC 1/2/1/71, no.1, KAB CSC 1/2/1/71, no.2, KAB CSC 1/2/1/71, no.12, KAB CSC 1/2/1/71, no.5, KAB CSC 1/2/1/71, no.6, KAB CSC 1/2/1/71, no.8, KAB CSC 1/2/1/71, no.5, KAB CSC 1/2/1/73, no.15, KAB CSC 1/2/1/73, no.12, KAB CSC 1/2/1/73, no.16, KAB CSC 1/2/1/73, no.12, KAB CSC 1/2/1/73, no.2, KAB CSC 1/2/1/73, no.23, KAB CSC 1/2/1/73, no.2, KAB CSC 1/2/1/73, no.11, KAB CSC 1/2/1/75, no.7, KAB CSC 1/2/1/75, no.7, KAB CSC 1/2/1/76, no.8, KAB CSC 1/2/1/76, no.7, KAB CSC 1/2/1/77, no.12, KAB CSC 1/2/1/77, no.13, KAB CSC 1/2/1/77, no.8, KAB CSC 1/2/1/78, no.2, KAB CSC 1/2/1/79, no.5, KAB CSC 1/2/1/79, no.8, KAB CSC 1/2/1/81, no.10, KAB CSC 1/2/1/82, no.1, KAB CSC 1/2/1/86, no.5, KAB CSC 1/2/1/86, no.5, KAB CSC 1/2/1/88, no.3, KAB CSC 1/2/1/88, no.16, KAB CSC 1/2/1/88, no.2, KAB CSC 1/2/1/89, no.1, KAB CSC 1/2/1/89, no.6, KAB CSC 1/2/1/89, no.4, KAB CSC 1/2/1/91, no.4, KAB CSC 1/2/1/91, no.16, KAB CSC 1/2/1/91, no.12, KAB CSC 1/2/1/95, no.9, KAB CSC 1/2/1/99, no.1, KAB CSC 1/2/1/100, no.2, KAB CSC 1/2/1/104, no.3, KAB CSC 1/2/1/104, no.3, KAB CSC 1/2/1/105, no.1, KAB CSC 1/2/1/107, no.1, KAB CSC 1/2/1/113, no.3 and KAB CSC 1/2/1/114, no.1.

Appendix B

8.1 Conviction rates from the Court of Justice and Cape Supreme Court Records



¹ KAB CJ 797, case 409, Paul of Mozambique.

² KAB CJ 789, Isaak of the Cape, p.85.

³ KAB CJ 798, August of Mozambique, p.249.

⁴ KAB CJ 803, p.545. and KAB CJ 805, pp.573-587

⁵ KAB CJ 804, p.11.

⁶ KAB CJ 805, pp. 682-659.



⁷ KAB CJ 809, no. 25, KAB CJ 809, no.28 and KAB CJ 812, no.36.

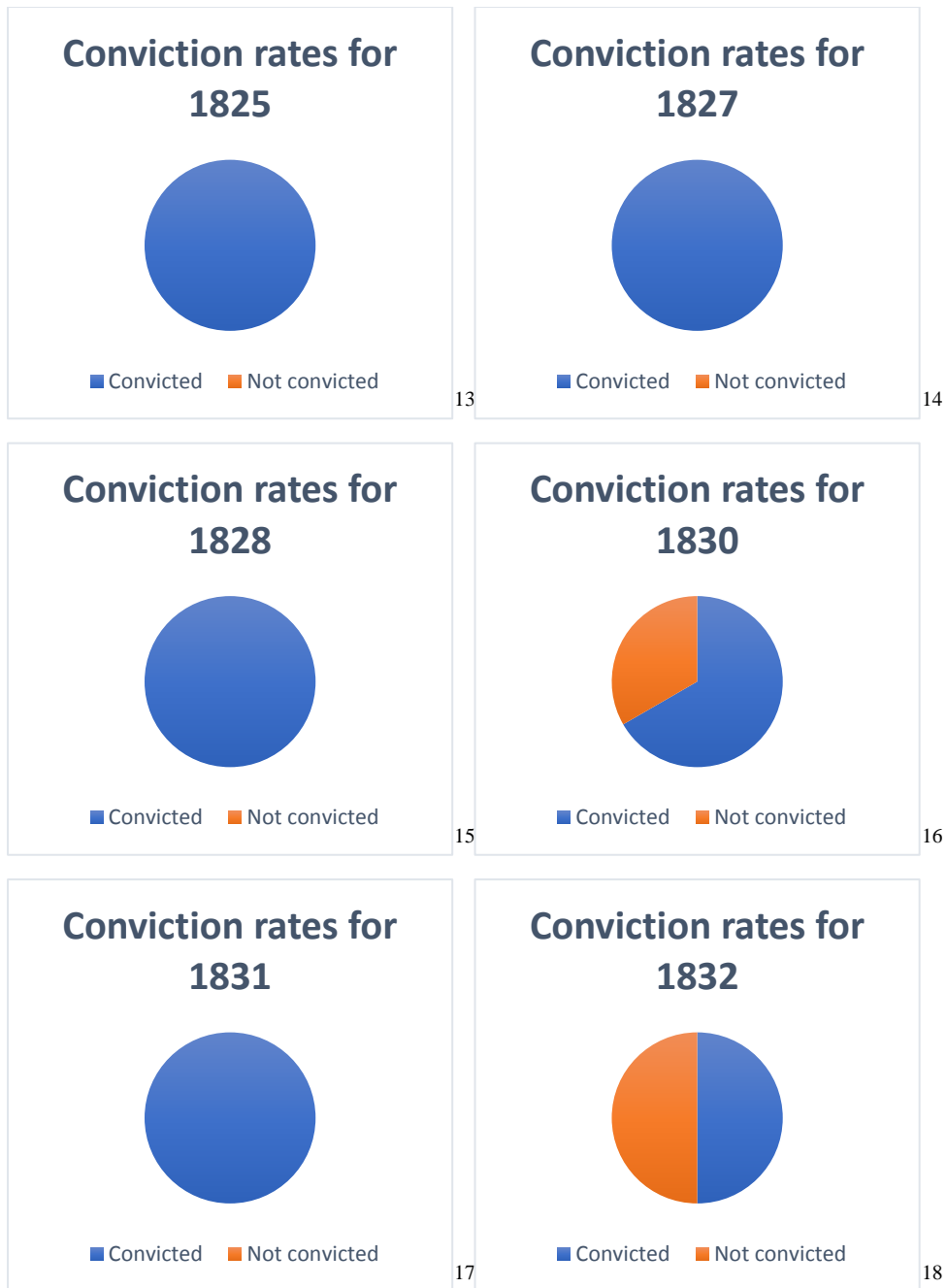
⁸ KAB CJ 814, no.6 and KAB CJ 814, pp. 447-455.

⁹ KAB CJ 815, pp. 42-54.

¹⁰ KAB CJ 816, pp. 114-127, KAB CJ 816, pp.813-818 and KAB CJ 816, pp. 1071-1081.

¹¹ KAB CJ, pp. 540-551.

¹² KAB CJ 818, pp. 269-280.



¹³ KAB CJ 819, pp. 54-61, KAB CJ 819, pp. 124-133 and KAB CJ 819, pp. 668-682.

¹⁴ KAB CJ 820, no.17 and KAB CJ 820, no.31.

¹⁵ KAB CSC 1/1/1/1, no.6.

¹⁶ KAB CSC 1/1/1/3, Adonis and KAB CSC 1/1/1/3, Charles.

¹⁷ KAB CSC 1/1/1/4, no.11 and KAB CSC 1/1/1/4, no.11.

¹⁸ KAB CSC 1/1/1/5, no.8 and KAB CSC 1/1/1/4, no.6.



¹⁹ KAB CSC 1/1/1/7, no.8.

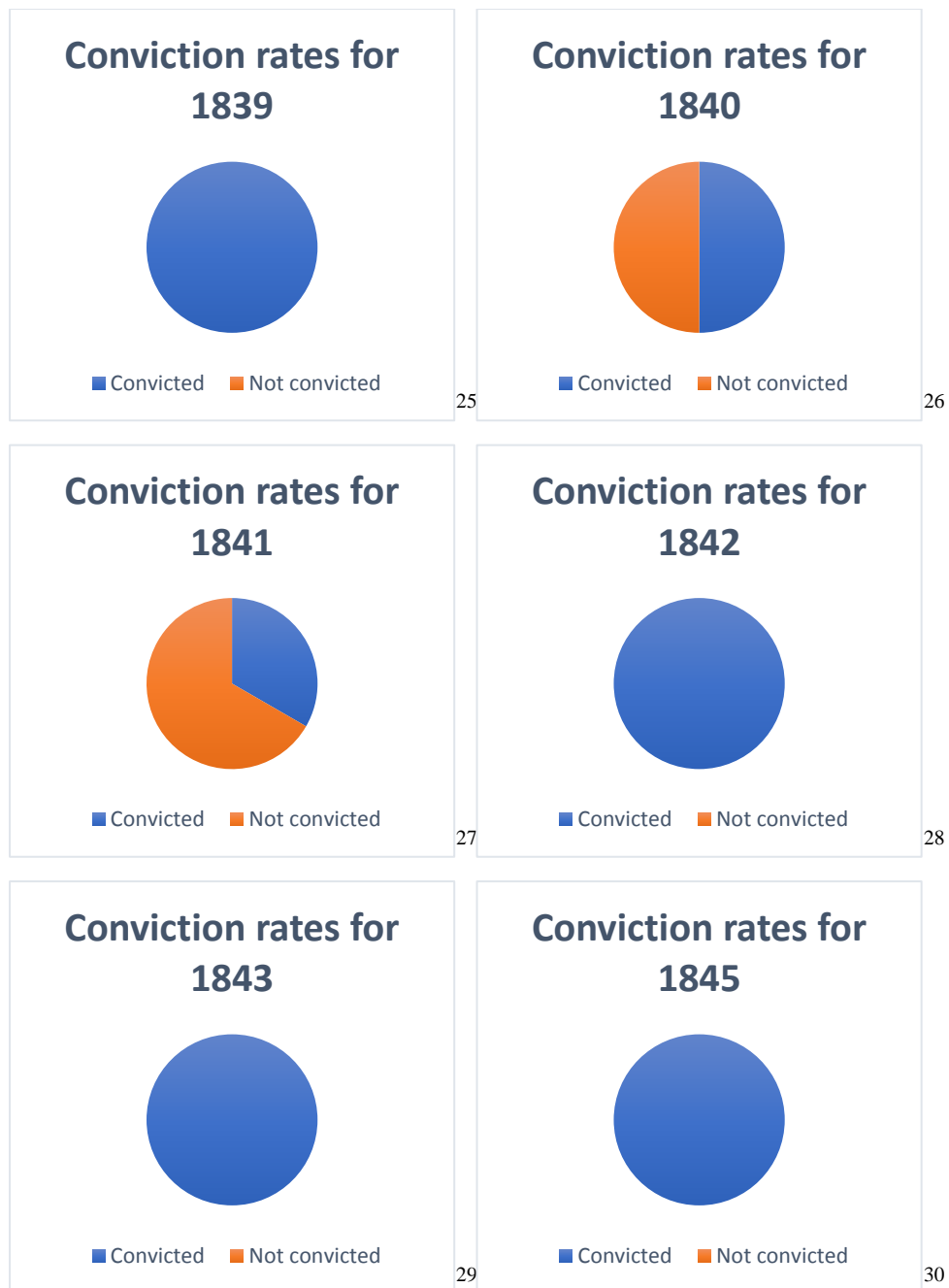
²⁰ KAB CSC 1/1/1/7, no.1

²¹ KAB CSC 1/1/1/8, no.4. and KAB CSC 1/1/1/9, no.8

²² KAB CSC 1/1/1/9, no.3., KAB CSC 1/1/1/9, no.7, KAB CSC 1/1/1/9, no.3, KAB CSC 1/1/1/9, no.11, KAB CSC 1/1/1/9, no.12 and KAB CSC 1/1/1/10, no.2.

²³ KAB CSC 1/1/1/10,no.2 and KAB CSC 1/1/1/10, Hamet.

²⁴ KAB CSC 1/1/1/10, no.3.



²⁵ KAB CSC 1/1/10, no.1 and KAB CSC 1/1/11, no.6/

²⁶ KAB CSC 1/1/11, Azor and KAB CSC 1/1/11, Joseph and Piet.

²⁷ KAB CSC 1/1/11, no.5, KAB CSC 1/1/12, no.9 and KAB CSC 1/1/12, no. 11.

²⁸ KAB CSC 1/1/12, no.10.

²⁹ KAB CSC 1/1/12, no.8.

³⁰ KAB CSC 1/1/13, no.6.



³¹ KAB CSC 1/1/13, no.5 and KAB CSC 1/1/13, no.5.

³² KAB CSC 1/1/13, no.1.

³³ KAB CSC 1/1/13, no.2.

³⁴ KAB CSC 1/1/14, no.2.

³⁵ KAB CSC 1/1/14, no.13 and KAB CSC 1/1/15, no.2.

³⁶ KAB CSC 1/1/16, no.7 and KAB CSC 1/1/16, no.8.



³⁷ KAB CSC 1/1/1/16, no.7.

³⁸ KAB CSC 1/1/1/16, no.6.

³⁹ KAB CSC 1/1/1/16, no.12, KAB CSC 1/1/1/16, no.3 and KAB CSC 1/1/1/16, no.9.

⁴⁰ KAB CSC 1/1/1/16, no.6, KAB CSC 1/1/1/16, no.1, KAB CSC 1/1/1/16, no.7 and KAB CSC 1/1/1/17, no.4.

⁴¹ KAB CSC 1/1/1/17, no.7, KAB CSC 1/1/1/17, no.4 and KAB CSC 1/1/1/17, no.3.

⁴² KAB CSC 1/1/1/17, no.3, KAB CSC 1/1/1/17, no.9 and KAB CSC 1/1/1/17, no.2.



⁴³ KAB CSC 1/1/17, no.4.

⁴⁴ KAB CSC 1/1/18, no.9, KAB CSC 1/1/18, no.14, KAB CSC 1/1/18, no.3 and KAB CSC 1/1/18, no.2.

⁴⁵ KAB CSC 1/1/18, no.6, KAB CSC 1/1/18, no.6 and KAB CSC 1/1/18, no.15.

⁴⁶ KAB CSC 1/1/18, no.7 and KAB CSC 1/1/18, no.13.

⁴⁷ KAB CSC 1/1/19, no.2, KAB CSC 1/1/19, no.8, KAB CSC 1/1/19, no.21 and KAB CSC 1/1/19, no.8.

⁴⁸ KAB CSC 1/1/19, no.10, KAB CSC 1/1/19, no.11, KAB CSC 1/1/19, no.5, KAB CSC 1/1/19, no.8, KAB CSC 1/1/19, no.14 and KAB CSC 1/1/20, no.15.



⁴⁹ KAB CSC 1/1/1/20, no.12, KAB CSC 1/1/1/20, no.6 and KAB CSC 1/1/1/20, no.26.

⁵⁰ KAB CSC 1/1/1/20, no.10, KAB CSC 1/1/1/21, no.1, KAB CSC 1/1/1/21, no.19 and KAB CSC 1/1/1/21, no.20.

⁵¹ KAB CSC 1/1/1/21, no.3, KAB CSC 1/1/1/21, no.7 and KAB CSC 1/1/1/21, no.2.

⁵² KAB CSC 1/1/1/21, no.14 and KAB CSC 1/1/1/22, no.4.

⁵³ KAB CSC 1/1/1/22, no.16, KAB CSC 1/1/1/22, no.33 and KAB CSC 1/1/1/22, no.14.

⁵⁴ KAB CSC 1/1/1/22, no.3, KAB CSC 1/1/1/23, no.4, KAB CSC 1/1/1/23, no.6 and KAB CSC 1/1/1/23, no.229.



⁵⁵ KAB CSC 1/1/1/23, no.14, KAB CSC 1/1/1/23, no.8 and KAB CSC 1/1/1/24, no.1.

⁵⁶ KAB CSC 1/1/1/24, no.3, KAB CSC 1/1/1/24, no.1 and KAB CSC 1/1/1/24, no.2.

⁵⁷ KAB CSC 1/1/1/24, no.14, KAB CSC 1/1/1/24, no.7, KAB CSC 1/1/1/24, no.2 and KAB CSC 1/1/1/25, no.12.

⁵⁸ KAB CSC 1/1/1/25, no.6.

⁵⁹ KAB CSC 1/1/1/25, no.16, KAB CSC 1/1/1/25, no.4, KAB CSC 1/1/1/26, no.1, KAB CSC 1/1/1/26, no.2 and KAB CSC 1/1/1/25, no.4.

⁶⁰ KAB CSC 1/1/1/25, no.6, KAB CSC 1/1/1/25, no.9, KAB CSC 1/1/1/25, no.13, KAB CSC 1/1/1/25, no.16, KAB CSC 1/1/1/25, no.6, KAB CSC 1/1/1/27, no.8 and KAB CSC 1/1/1/30, no.8.



⁶¹ KAB CSC 1/1/1/27, no.12 and KAB CSC 1/1/1/27, no.6.

⁶² KAB CSC 1/1/1/27, no.3.

⁶³ KAB CSC 1/1/1/28, no.5, KAB CSC 1/1/1/28, no.1 and KAB CSC 1/1/1/29, no.7

⁶⁴ KAB CSC 1/1/1/29, no.3.

⁶⁵ KAB CSC 1/1/1/30, no.6, KAB CSC 1/1/1/30, no.3, KAB CSC 1/1/1/30, no.5, KAB CSC 1/1/1/30, no.4, KAB CSC 1/1/1/30, no.19, KAB CSC 1/1/1/31, no.5 and KAB CSC 1/1/1/31, no.7.

⁶⁶ KAB CSC 1/1/1/31, no.12, KAB CSC 1/1/1/31, no.20 and KAB CSC 1/1/1/31, no.2.



⁶⁷ KAB CSC 1/1/1/32, no.14, KAB CSC 1/1/1/32, no.10, KAB CSC 1/1/1/32, no.21 and KAB CSC 1/1/1/33, no.2.

⁶⁸ KAB CSC 1/1/1/33, no.1, KAB CSC 1/1/1/33, no.2, KAB CSC 1/1/1/33, no.10, KAB CSC 1/1/1/33, no.11, KAB CSC 1/1/1/33, no. 4 and KAB CSC 1/1/1/33, no.2.

⁶⁹ KAB CSC 1/1/1/33, no.6, KAB CSC 1/1/1/33, no.1, KAB CSC 1/1/1/33, no.8, KAB CSC 1/1/1/33, no.9 and KAB CSC 1/1/1/33, no.10.

⁷⁰ KAB CSC 1/1/1/34, no.1, KAB CSC 1/1/1/34, no.2, KAB CSC 1/1/1/34, no.6, KAB CSC 1/1/1/34, no.1, KAB CSC 1/1/1/34, no.8, KAB CSC 1/1/1/34, no.3, KAB CSC 1/1/1/34, no.1, KAB CSC 1/1/1/34, no.6, KAB CSC 1/1/1/34, no.9 and KAB CSC 1/1/1/34, no.15.

⁷¹ KAB CSC 1/1/1/34, no.3, KAB CSC 1/1/1/34, no.4 KAB CSC 1/1/1/34, no.10, KAB CSC 1/1/1/36, no.4, KAB CSC 1/1/1/34, no.10 and KAB CSC 1/1/1/34, no.13.

⁷² KAB CSC 1/1/1/35, no.7, KAB CSC 1/1/1/35, no.9, KAB CSC 1/1/1/35, no.8, KAB CSC 1/1/1/35, no.12, KAB CSC 1/1/1/35, no.1, KAB CSC 1/1/1/36, no.12 and KAB CSC 1/1/1/36, no.8.



⁷³ KAB CSC 1/1/1/36, no.9, KAB CSC 1/1/1/36, no.10, KAB CSC 1/1/1/36, no.12, KAB CSC 1/1/1/36, no.5, KAB CSC 1/1/1/36, no.10, KAB CSC 1/1/1/36, no.3, KAB CSC 1/1/1/36, no.9, KAB CSC 1/1/1/36, no.13, KAB CSC 1/1/1/37, no.1, KAB CSC 1/1/1/37, no.2, KAB CSC 1/1/1/37, no.3, KAB CSC 1/1/1/37, no.4, KAB CSC 1/1/1/37, no.10 and KAB CSC 1/1/1/37, no.8.

⁷⁴ KAB CSC 1/1/1/37, no.3, KAB CSC 1/1/1/37, no.4, KAB CSC 1/1/1/37, no.5, KAB CSC 1/1/1/37, no.18, KAB CSC 1/1/1/37, no.3, KAB CSC 1/1/1/37, no.6, KAB CSC 1/1/1/37, no.8, KAB CSC 1/1/1/37, no.24, KAB CSC 1/1/1/37, no.3, KAB CSC 1/1/1/37, no.9, KAB CSC 1/1/1/38, no.2, KAB CSC 1/1/1/38, no.4 and KAB CSC 1/1/1/38, no.2.

⁷⁵ KAB CSC 1/1/1/38, no.7, KAB CSC 1/1/1/38, no.11, KAB CSC 1/1/1/38, no.18, KAB CSC 1/1/1/38, no.3, KAB CSC 1/1/1/38, no.2, KAB CSC 1/1/1/38, no.13 and KAB CSC 1/1/1/38, no.15.

⁷⁶ KAB CSC 1/1/1/39, no.13, KAB CSC 1/1/1/39, no.4, KAB CSC 1/1/1/39, no.25, KAB CSC 1/1/1/39, no.26, KAB CSC 1/1/1/39, no.3, KAB CSC 1/1/1/39, no.4, KAB CSC 1/1/1/39, no.8, KAB CSC 1/1/1/39, no.9, KAB CSC 1/1/1/39, no.13, KAB CSC 1/1/1/39, no.14, KAB CSC 1/1/1/40, no.5, KAB CSC 1/1/1/40, no.15, KAB CSC 1/1/1/40, no.16 and KAB CSC 1/1/1/40, no.4.

8.2 Conviction rates from Circuit Court Records⁷⁹



⁷⁷ KAB CSC 1/1/1/40, no.5, KAB CSC 1/1/1/40, no.6, KAB CSC 1/1/1/40, no.7, KAB CSC 1/1/1/40, no.29, KAB CSC 1/1/1/41, no.1, KAB CSC 1/1/1/41, no.7, KAB CSC 1/1/1/41, no.8, KAB CSC 1/1/1/41, no.16, KAB CSC 1/1/1/41, no.18, KAB CSC 1/1/1/41, no.5, KAB CSC 1/1/1/41, no.9, KAB CSC 1/1/1/41, no.22, KAB CSC 1/1/1/41, no.24, KAB CSC 1/1/1/42, no.4, KAB CSC 1/1/1/42, no.6, KAB CSC 1/1/1/42, no.13, KAB CSC 1/1/1/42, no.13, KAB CSC 1/1/1/42, no.29, KAB CSC 1/1/1/42, no.28 and KAB CSC 1/1/1/42, no.12.

⁷⁸ KAB CSC 1/1/1/42, no.34, KAB CSC 1/1/1/42, no.36, KAB CSC 1/1/1/42, no.8, KAB CSC 1/1/1/42, no.5, KAB CSC 1/1/1/42, no.9 and KAB CSC 1/1/1/42, no.21.

⁷⁹ These statistics only begin from 1827 as this is when the first case occurred that was recorded in the Circuit Court records.

⁸⁰ KAB CSC 1/2/1/1, no.2.

⁸¹ KAB CSC 1/2/1/2, no.10, KAB CSC 1/2/1/2, no.4 and KAB CSC 1/2/1/3, no.20.

⁸² KAB CSC 1/2/1/4, no.9, KAB CSC 1/2/1/5, no.1 and KAB CSC 1/2/1/4, no.2.

⁸³ KAB CSC 1/2/1/6, no.6, KAB CSC 1/2/1/7, no.12, KAB CSC 1/2/1/7, no.13, KAB CSC 1/2/1/7, no.1, KAB CSC 1/2/1/8, no.12 and KAB CSC 1/2/1/9, no.2.



⁸⁴ KAB CSC 1/2/1/7, no.8, KAB CSC 1/2/1/8, no.6, KAB CSC 1/2/1/8, no.11, KAB CSC 1/2/1/8, no.14, KAB CSC 1/2/1/8, no.17, KAB CSC 1/2/1/8, no.22, KAB CSC 1/2/1/8, no.1, KAB CSC 1/2/1/9, no.7, KAB CSC 1/2/1/10, no.7 and KAB CSC 1/2/1/10, no.9.

⁸⁵ KAB CSC 1/2/1/9, no.9, KAB CSC 1/2/1/9, no.2, KAB CSC 1/2/1/9, no.12, KAB CSC 1/2/1/10, no.16, KAB CSC 1/2/1/10, no.18, KAB CSC 1/2/1/10, no.10, KAB CSC 1/2/1/10, no.7, KAB CSC 1/2/1/10, no.9, KAB CSC 1/2/1/11, no.10, KAB CSC 1/2/1/11, no.9, KAB CSC 1/2/1/11, no.10, KAB CSC 1/2/1/11, no.13, KAB CSC 1/2/1/11, no.16, KAB CSC 1/2/1/11, no.19, KAB CSC 1/2/1/11, no.20 and KAB CSC 1/2/1/11, no.6.

⁸⁶ KAB CSC 1/2/1/11, no.21, KAB CSC 1/2/1/12, no.18, KAB CSC 1/2/1/12, no.12, KAB CSC 1/2/1/13, no.2, KAB CSC 1/2/1/13, no.7, KAB CSC 1/2/1/13, no.13 and KAB CSC 1/2/1/13, no.15.

⁸⁷ KAB CSC 1/2/1/14, no.8, KAB CSC 1/2/1/14, no.21, KAB CSC 1/2/1/15, no.7, KAB CSC 1/2/1/16, no.9, KAB CSC 1/2/1/16, no.11, KAB CSC 1/2/1/16, no.23 and KAB CSC 1/2/1/17, no.10.

⁸⁸ KAB CSC 1/2/1/17, no.5, KAB CSC 1/2/1/17, no.6, KAB CSC 1/2/1/17, no.15, KAB CSC 1/2/1/17, no.4, KAB CSC 1/2/1/18, no.17 and KAB CSC 1/2/1/18, no.13.

⁸⁹ KAB CSC 1/2/1/18, no.11, KAB CSC 1/2/1/18, no.19, KAB CSC 1/2/1/19, no.12, KAB CSC 1/2/1/19, no.8, KAB CSC 1/2/1/20, no.14, KAB CSC 1/2/1/20, no.21 and KAB CSC 1/2/1/21, no.11.



⁹⁰ KAB CSC 1/2/1/19, no.13, KAB CSC 1/2/1/19, no.9, KAB CSC 1/2/1/20, no.13, KAB CSC 1/2/1/20, no.20, KAB CSC 1/2/1/20, no.33, KAB CSC 1/2/1/20, no.14, KAB CSC 1/2/1/20, no.5, KAB CSC 1/2/1/20, no.6, KAB CSC 1/2/1/20, no.8, KAB CSC 1/2/1/20, no.14, KAB CSC 1/2/1/21, no.5, KAB CSC 1/2/1/21, no.2, KAB CSC 1/2/1/21, no.13, KAB CSC 1/2/1/21, no.2, KAB CSC 1/2/1/23, no.7 and KAB CSC 1/2/1/20, no.22.

⁹¹ KAB CSC 1/2/1/21, no.14, KAB CSC 1/2/1/21, no.14, KAB CSC 1/2/1/22, no. 35, KAB CSC 1/2/1/22, no.11 and KAB CSC 1/2/1/23, no.13.

⁹² KAB CSC 1/2/1/23, no.7, KAB CSC 1/2/1/23, no.11, KAB CSC 1/2/1/24, no.1, KAB CSC 1/2/1/24, no.4, KAB CSC 1/2/1/24, no.7, KAB CSC 1/2/1/24, no.3, KAB CSC 1/2/1/25, no.10, KAB CSC 1/2/1/25, no.17, KAB CSC 1/2/1/25, no.17 and KAB CSC 1/2/1/25, no.9.

⁹³ KAB CSC 1/2/1/26, no.8, KAB CSC 1/2/1/26, no.12, KAB CSC 1/2/1/26, no.13, KAB CSC 1/2/1/27, no.2, KAB CSC 1/2/1/27, no.7, KAB CSC 1/2/1/27, no.8 and KAB CSC 1/2/1/27, no.4.

⁹⁴ KAB CSC 1/2/1/28, no.7, KAB CSC 1/2/1/29, no.5, KAB CSC 1/2/1/29, no.2, KAB CSC 1/2/1/29, no.10, KAB CSC 1/2/1/29, no.8, KAB CSC 1/2/1/30, no.13 and KAB CSC 1/2/1/30, no.14.

⁹⁵ KAB CSC 1/2/1/29, no.6, KAB CSC 1/2/1/29, no.3, KAB CSC 1/2/1/30, no.5, KAB CSC 1/2/1/30, no.12, KAB CSC 1/2/1/31, no.5 and KAB CSC 1/2/1/32, no.5.



⁹⁶ KAB CSC 1/2/1/31, no.7, KAB CSC 1/2/1/31, no.18, KAB CSC 1/2/1/32, no.8, KAB CSC 1/2/1/32, no.18, KAB CSC 1/2/1/32, no.5, KAB CSC 1/2/1/32, no.6, KAB CSC 1/2/1/33, no.7 and KAB CSC 1/2/1/33, no.5.

⁹⁷ KAB CSC 1/2/1/33, no.8, KAB CSC 1/2/1/33, no.2, KAB CSC 1/2/1/33, no.10, KAB CSC 1/2/1/33, no.5, KAB CSC 1/2/1/34, no.7, KAB CSC 1/2/1/34, no.8, KAB CSC 1/2/1/34, no.11, KAB CSC 1/2/1/34, no.9, KAB CSC 1/2/1/34, no.5, KAB CSC 1/2/1/35, no.8 and KAB CSC 1/2/1/35, no.19.

⁹⁸ KAB CSC 1/2/1/35, no.3, KAB CSC 1/2/1/35, no.18, KAB CSC 1/2/1/36, no.7, KAB CSC 1/2/1/36, no.7, KAB CSC 1/2/1/37, no.15, KAB CSC 1/2/1/37, no.3, KAB CSC 1/2/1/37, no.8, KAB CSC 1/2/1/37, no.4 and KAB CSC 1/2/1/38, no.15.

⁹⁹ KAB CSC 1/2/1/37, no.4, KAB CSC 1/2/1/38, no.9, KAB CSC 1/2/1/39, no.4, KAB CSC 1/2/1/35, no.9 and KAB CSC 1/2/1/35, no.4.

¹⁰⁰ KAB CSC 1/2/1/39, no.5, KAB CSC 1/2/1/40, no.29 and KAB CSC 1/2/1/41, no.13.

¹⁰¹ KAB CSC 1/2/1/41, no.12, KAB CSC 1/2/1/42, no.11, KAB CSC 1/2/1/42, no.6, KAB CSC 1/2/1/43, no.2, KAB CSC 1/2/1/43, no.8 and KAB CSC 1/2/1/42, no.11.



¹⁰² KAB CSC 1/2/1/44, no.1, KAB CSC 1/2/1/44, no.7, KAB CSC 1/2/1/44, no.11 and KAB CSC 1/2/1/45, no.2.

¹⁰³ KAB CSC 1/2/1/46, no.6, KAB CSC 1/2/1/48, no.6 and KAB CSC 1/2/48, no.1.

¹⁰⁴ KAB CSC 1/2/1/47, no.18, KAB CSC 1/2/1/47, no.19, KAB CSC 1/2/1/48, no.10 and KAB CSC 1/2/1/48, no.12.

¹⁰⁵ KAB CSC 1/2/1/49, no.11, KAB CSC 1/2/1/49, no.12, KAB CSC 1/2/1/49, no.19, KAB CSC 1/2/1/50, no.4, KAB CSC 1/2/1/50, no.24, KAB CSC 1/2/1/50, no.1 and KAB CSC 1/2/1/71, no.4.

¹⁰⁶ KAB CSC 1/2/1/50, no.4, KAB CSC 1/2/1/50, no.12, KAB CSC 1/2/1/50, no.13, KAB CSC 1/2/1/50, no.20, KAB CSC 1/2/1/51, no.13, KAB CSC 1/2/1/51, no.5, KAB CSC 1/2/1/51, no.6, KAB CSC 1/2/1/51, no.4 and KAB CSC 1/2/1/54, no.8.

¹⁰⁷ KAB CSC 1/2/1/52, no.5, KAB CSC 1/2/1/53, no.13, KAB CSC 1/2/1/53, no.12, KAB CSC 1/2/1/53, no.13 and KAB CSC 1/2/1/54, no.6.



¹⁰⁸ KAB CSC 1/2/1/54, no.4, KAB CSC 1/2/1/54, no.3, KAB CSC 1/2/1/54, no.2, KAB CSC 1/2/1/55, no.10, KAB CSC 1/2/1/55, no.2, KAB CSC 1/2/1/55, no.6, KAB CSC 1/2/1/55, no.5, KAB CSC 1/2/1/56, no.8, KAB CSC 1/2/1/56, no.10, KAB CSC 1/2/1/56, no.2, KAB CSC 1/2/1/56, no.10 and KAB CSC 1/2/1/57, no.6.

¹⁰⁹ KAB CSC 1/2/1/56, no.3, KAB CSC 1/2/1/56, no.18, KAB CSC 1/2/1/56, no.18, KAB CSC 1/2/1/57, no.3, KAB CSC 1/2/1/57, no.6, KAB CSC 1/2/1/58, no.7 and KAB CSC 1/2/1/58, no.8.

¹¹⁰ KAB CSC 1/2/1/58, no.8, KAB CSC 1/2/1/58, no.4, KAB CSC 1/2/1/59, Henry, KAB CSC 1/2/1/59, Abram, KAB CSC 1/2/1/59, April, KAB CSC 1/2/1/59, no.3, KAB CSC 1/2/1/59, no.11, KAB CSC 1/2/1/59, no.6, KAB CSC 1/2/1/59, no.13, KAB CSC 1/2/1/59, no.6, KAB CSC 1/2/1/59, no.10 and KAB CSC 1/2/1/64, no.9.

¹¹¹ KAB CSC 1/2/1/58, no.5, KAB CSC 1/2/1/59, no.21, KAB CSC 1/2/1/59, no.1, KAB CSC 1/2/1/59, no.2, KAB CSC 1/2/1/61, no.9, KAB CSC 1/2/1/61, no.11, KAB CSC 1/2/1/63, no.3 and KAB CSC 1/2/1/63, no.4.



¹¹² KAB CSC 1/2/1/63, no.2, KAB CSC 1/2/1/63, no.1, KAB CSC 1/2/1/63, no.4, KAB CSC 1/2/1/64, no.5., KAB CSC 1/2/1/64, no.11, KAB CSC 1/2/1/64, no.12, KAB CSC 1/2/1/64, no.21, KAB CSC 1/2/1/64, no.2, KAB CSC 1/2/1/65, Petrus, KAB CSC 1/2/1/65, no.2, KAB CSC 1/2/1/66, no.4, KAB CSC 1/2/1/66, no.11 and KAB CSC 1/2/1/66, no.27.

¹¹³ KAB CSC 1/2/1/66, no.2, KAB CSC 1/2/1/67, no.1, KAB CSC 1/2/1/67, no.6, KAB CSC 1/2/1/67, no.4, KAB CSC 1/2/1/68, no.15, KAB CSC 1/2/1/68, no.14, KAB CSC 1/2/1/68, no.4, KAB CSC 1/2/1/68, no.2, KAB CSC 1/2/1/68, no.1, KAB CSC 1/2/1/68, no.6, KAB CSC 1/2/1/69, no.12, KAB CSC 1/2/1/69, no.13, KAB CSC 1/2/1/69, no.14, KAB CSC 1/2/1/70, no.12 and KAB CSC 1/2/1/71, no.1.

¹¹⁴ KAB CSC 1/2/1/67, no.2, KAB CSC 1/2/1/67, no.13, KAB CSC 1/2/1/67, no.1, KAB CSC 1/2/1/67, no.5, KAB CSC 1/2/1/67, no.5, KAB CSC 1/2/1/69, no.10, KAB CSC 1/2/1/69, no.12, KAB CSC 1/2/1/69, no.4, KAB CSC 1/2/1/69, no.9, KAB CSC 1/2/1/70, no.5, KAB CSC 1/2/1/69, no.11, KAB CSC 1/2/1/70, no.2, KAB CSC 1/2/1/70, no.4, KAB CSC 1/2/1/70, no.6, KAB CSC 1/2/1/70, no.2, KAB CSC 1/2/1/71, no.4, KAB CSC 1/2/1/71, no.2, KAB CSC 1/2/1/71, no.1, KAB CSC 1/2/1/71, no.6, KAB CSC 1/2/1/71, no.7, KAB CSC 1/2/1/71, no.1, KAB CSC 1/2/1/71, no.4, KAB CSC 1/2/1/71, no.6 and KAB CSC 1/2/1/71, no.5.



¹¹⁵ KAB CSC 1/2/1/67, no.1, KAB CSC 1/2/1/71, no.2, KAB CSC 1/2/1/71, no.12, KAB CSC 1/2/1/71, no.5, KAB CSC 1/2/1/71, no.6, KAB CSC 1/2/1/71, no.8, KAB CSC 1/2/1/72, no.7, KAB CSC 1/2/1/72, no.8, KAB CSC 1/2/1/72, no.7, KAB CSC 1/2/1/72, no.13, KAB CSC 1/2/1/72, no.8, KAB CSC 1/2/1/73, no.15, KAB CSC 1/2/1/73, no.12, KAB CSC 1/2/1/73, no.12, KAB CSC 1/2/1/73, no.2, KAB CSC 1/2/1/73, no.24, KAB CSC 1/2/1/73, no.4, KAB CSC 1/2/1/74, no.13 and KAB CSC 1/2/1/84, Dampie.

¹¹⁶ KAB CSC 1/2/1/73, no.16, KAB CSC 1/2/1/73, no.23, KAB CSC 1/2/1/73, no.1, KAB CSC 1/2/1/73, no.2, KAB CSC 1/2/1/73, no.11, KAB CSC 1/2/1/75, no.7, KAB CSC 1/2/1/75, no.8, KAB CSC 1/2/1/75, no.46, KAB CSC 1/2/1/75, no.7, KAB CSC 1/2/1/75, no.8, KAB CSC 1/2/1/75, no.4, KAB CSC 1/2/1/76, no.6 and KAB CSC 1/2/1/76, no.12.

¹¹⁷ KAB CSC 1/2/1/76, no.12, KAB CSC 1/2/1/76, no.8, KAB CSC 1/2/1/76, no.8, KAB CSC 1/2/1/76, no.7, KAB CSC 1/2/1/76, no.17, KAB CSC 1/2/1/77, no.5, KAB CSC 1/2/1/77, no.4, KAB CSC 1/2/1/77, no.8, KAB CSC 1/2/1/77, no.12, KAB CSC 1/2/1/77, no.17, KAB CSC 1/2/1/77, no.13, KAB CSC 1/2/1/78, no.6, KAB CSC 1/2/1/78, no.5, KAB CSC 1/2/1/78, no.6 and KAB CSC 1/2/1/78, no.8.

¹¹⁸ KAB CSC 1/2/1/77, no.8, KAB CSC 1/2/1/78, no.5, KAB CSC 1/2/1/78, no.8, KAB CSC 1/2/1/78, no.8, KAB CSC 1/2/1/78, no.3, KAB CSC 1/2/1/78, no.2, KAB CSC 1/2/1/79, no.6, KAB CSC 1/2/1/79, no.19, KAB CSC 1/2/1/79, no.14, KAB CSC 1/2/1/79, no.5, KAB CSC 1/2/1/79, no.8, KAB CSC 1/2/1/81, no.10 and KAB CSC 1/2/1/80, no.10.

¹¹⁹ KAB CSC 1/2/1/82, no.11, KAB CSC 1/2/1/82, no.19, KAB CSC 1/2/1/82, no.16, KAB CSC 1/2/1/82, no.1 and KAB CSC 1/2/1/84, Michiel.

¹²⁰ KAB CSC 1/2/1/83, no.14, KAB CSC 1/2/1/83, no.12 and KAB CSC 1/2/1/86, no.12.

¹²¹ KAB CSC 1/2/1/84, Patrick, KAB CSC 1/2/1/84, no.4, KAB CSC 1/2/1/84, no.11 and KAB CSC 1/2/1/85, no.3.



¹²² KAB CSC 1/2/1/85, no.1, KAB CSC 1/2/1/85, no.2, KAB CSC 1/2/1/85, no.1, KAB CSC 1/2/1/85, no.4, KAB CSC 1/2/1/85, no.1, KAB CSC 1/2/1/85, no.3 and KAB CSC 1/2/1/86, no.7.

¹²³ KAB CSC 1/2/1/86, no.9, KAB CSC 1/2/1/86, no.3 and KAB CSC 1/2/1/86, no.3.

¹²⁴ KAB CSC 1/2/1/86, no.3, KAB CSC 1/2/1/86, no.4, KAB CSC 1/2/1/86, no.3, KAB CSC 1/2/1/86, no.5, KAB CSC 1/2/1/86, no.5, KAB CSC 1/2/1/87, no.1 and KAB CSC 1/2/1/92, no.2.

¹²⁵ KAB CSC 1/2/1/87, no.1, KAB CSC 1/2/1/87, no.4, KAB CSC 1/2/1/87, no.5, KAB CSC 1/2/1/88, no.4, KAB CSC 1/2/1/88, no.6, KAB CSC 1/2/1/88, no.2 and KAB CSC 1/2/1/88, no.14.

¹²⁶ KAB CSC 1/2/1/88, no.6, KAB CSC 1/2/1/88, no.16, KAB CSC 1/2/1/88, no.11, KAB CSC 1/2/1/88, no.12, KAB CSC 1/2/1/88, no.13, KAB CSC 1/2/1/88, no.2, KAB CSC 1/2/1/88, no.6 and KAB CSC 1/2/1/89, no.6.

¹²⁷ KAB CSC 1/2/1/89, no.1, KAB CSC 1/2/1/89, no.1, KAB CSC 1/2/1/89, no.4, KAB CSC 1/2/1/89, no.3, KAB CSC 1/2/1/89, no.4, KAB CSC 1/2/1/89, no.6, KAB CSC 1/2/1/89, no.12, KAB CSC 1/2/1/89, no.1, KAB CSC 1/2/1/89, no.4 and KAB CSC 1/2/1/89, no.1.



¹²⁸ KAB CSC 1/2/1/90, no.13, KAB CSC 1/2/1/90, no.3, KAB CSC 1/2/1/91, no.4, KAB CSC 1/2/1/91, no.3, KAB CSC 1/2/1/91, no.16, KAB CSC 1/2/1/91, no.2, KAB CSC 1/2/1/91, no.12 and KAB CSC 1/2/1/93, no.4

¹²⁹ KAB CSC 1/2/1/91, no. 1, KAB CSC 1/2/1/91, no.4, KAB CSC 1/2/1/91, no.3, KAB CSC 1/2/1/91, no.4, KAB CSC 1/2/1/91, no.5, KAB CSC 1/2/1/91, no.6, KAB CSC 1/2/1/91, no.7, KAB CSC 1/2/1/92, no.4, KAB CSC 1/2/1/92, no.5, KAB CSC 1/2/1/92, no.1, KAB CSC 1/2/1/92, no.2, KAB CSC 1/2/1/92, no.3 and KAB CSC 1/2/1/92, no.6.

¹³⁰ KAB CSC 1/2/1/92, no.1, KAB CSC 1/2/1/92, no.3, KAB CSC 1/2/1/92, no.7, KAB CSC 1/2/1/92, no.9, KAB CSC 1/2/1/92, no.13 and KAB CSC 1/2/1/93, no.1.

¹³¹ KAB CSC 1/2/1/93, no.4, KAB CSC 1/2/1/93, no.2, KAB CSC 1/2/1/93, no.7, KAB CSC 1/2/1/93, no.3 and KAB CSC 1/2/1/94, no.4.

¹³² KAB CSC 1/2/1/94, no.2, KAB CSC 1/2/1/94, no.5, KAB CSC 1/2/1/95, no.5, KAB CSC 1/2/1/95, no.7, KAB CSC 1/2/1/95, no.8, KAB CSC 1/2/1/95, no.9, KAB CSC 1/2/1/95, no.7 and KAB CSC 1/2/1/95, no.3.

¹³³ KAB CSC 1/2/1/95, no.6, KAB CSC 1/2/1/95, no.2, KAB CSC 1/2/1/95, no.3, KAB CSC 1/2/1/96, no.5, KAB CSC 1/2/1/96, no.1, KAB CSC 1/2/1/96, no.3 and KAB CSC 1/2/1/97, no.3.



¹³⁴ KAB CSC 1/2/1/96, no.1, KAB CSC 1/2/1/96, no.3, KAB CSC 1/2/1/96, no.7, KAB CSC 1/2/1/96, no.1, KAB CSC 1/2/1/97, no.3, KAB CSC 1/2/1/97, no.2 and KAB CSC 1/2/1/97, no.3.

¹³⁵ KAB CSC 1/2/1/97, no.2, KAB CSC 1/2/1/97, no.4 and KAB CSC 1/2/1/97, no.1.

¹³⁶ KAB CSC 1/2/1/98, no.3, KAB CSC 1/2/1/98, no.5, KAB CSC 1/2/1/95, no.4, KAB CSC 1/2/1/98, no.5, KAB CSC 1/2/1/98, no.1, KAB CSC 1/2/1/99, no.7 and KAB CSC 1/2/1/99, no.1.

¹³⁷ KAB CSC 1/2/1/99, no.2, KAB CSC 1/2/1/99, no.3, KAB CSC 1/2/1/99, no.2, KAB CSC 1/2/1/99, no.6, KAB CSC 1/2/1/99, no.6, KAB CSC 1/2/1/99, no.1, KAB CSC 1/2/1/99, no.9, KAB CSC 1/2/1/100, no.1 and KAB CSC 1/2/1/100, no.2.

¹³⁸ KAB CSC 1/2/1/100, no.3.

¹³⁹ KAB CSC 1/2/1/101, no.5, KAB CSC 1/2/1/101, no.1, KAB CSC 1/2/1/101, no.3, KAB CSC 1/2/1/102, no.5, KAB CSC 1/2/1/102, no.4 and KAB CSC 1/2/1/102, no.3.



¹⁴⁰ KAB CSC 1/2/1/102, no.2, KAB CSC 1/2/1/102, no.4, KAB CSC 1/2/1/102, no.2, KAB CSC 1/2/1/103, no.1, KAB CSC 1/2/1/103, no.5 and KAB CSC 1/2/1/103, no.5.

¹⁴¹ KAB CSC 1/2/1/103, no.5, KAB CSC 1/2/1/103, no.5, KAB CSC 1/2/1/103, no.7, KAB CSC 1/2/1/103, no.8, KAB CSC 1/2/1/103, no.4, KAB CSC 1/2/1/103, no.6, KAB CSC 1/2/1/104, no.2, KAB CSC 1/2/1/104, no.3 and KAB CSC 1/2/1/104, no.3.

¹⁴² KAB CSC 1/2/1/104, no.1, KAB CSC 1/2/1/104, no.2, KAB CSC 1/2/1/104, no.2, KAB CSC 1/2/1/104, no.1, KAB CSC 1/2/1/104, no.5, KAB CSC 1/2/1/104, no.6, KAB CSC 1/2/1/104, no.3, KAB CSC 1/2/1/104, no.1, KAB CSC 1/2/1/104, no.2, KAB CSC 1/2/1/104, no.2, KAB CSC 1/2/1/104, no.1, KAB CSC 1/2/1/104, no.7, KAB CSC 1/2/1/105, no.6, KAB CSC 1/2/1/105, no.5, KAB CSC 1/2/1/105, no.1, KAB CSC 1/2/1/105, no.6, KAB CSC 1/2/1/105, no.1 and KAB CSC 1/2/1/105, no.2.

¹⁴³ KAB CSC 1/2/1/105, no.4, KAB CSC 1/2/1/105, no.5, KAB CSC 1/2/1/105, no.1, KAB CSC 1/2/1/105, no.5, KAB CSC 1/2/1/105, no.2, KAB CSC 1/2/1/105, no.1, KAB CSC 1/2/1/105, no.5, KAB CSC 1/2/1/105, no.7, KAB CSC 1/2/1/105, no.1, KAB CSC 1/2/1/105, no.3, KAB CSC 1/2/1/106, no.4, KAB CSC 1/2/1/106, no.2 and KAB CSC 1/2/1/106, no.3.



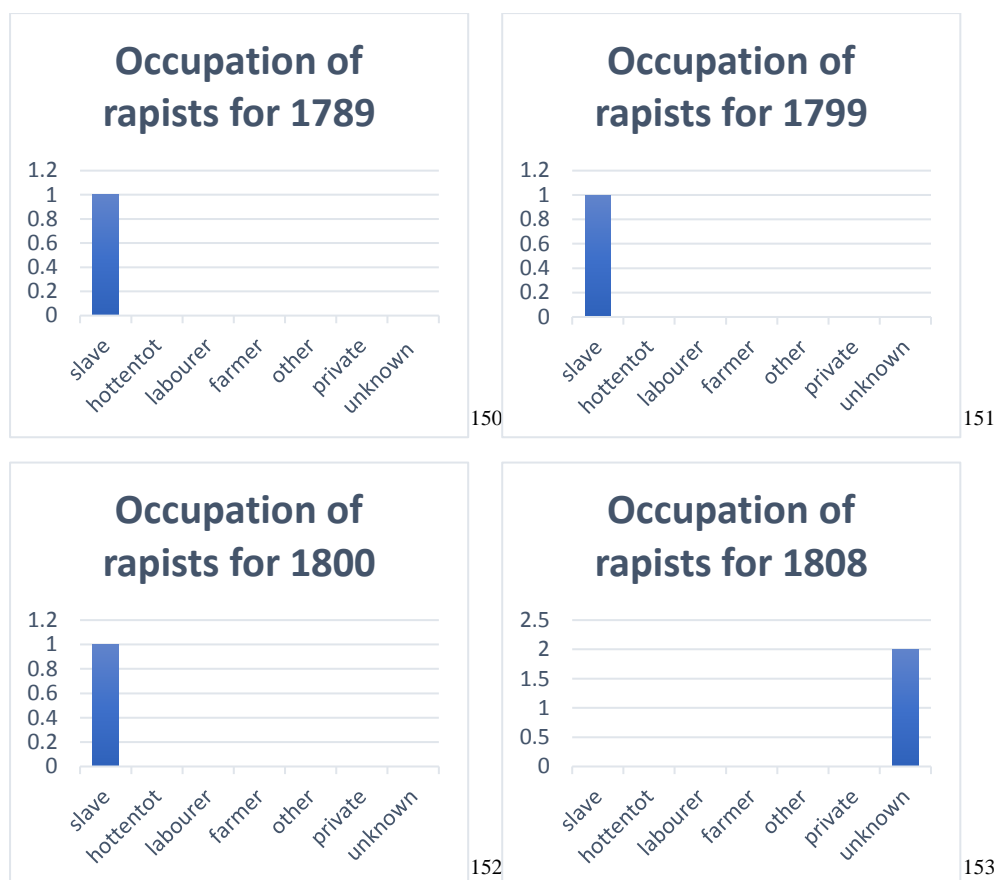
¹⁴⁴ KAB CSC 1/2/1/106, no.10, KAB CSC 1/2/1/107, no.4, KAB CSC 1/2/1/107, no.1, KAB CSC 1/2/1/107, no.1, KAB CSC 1/2/1/107, no.4, KAB CSC 1/2/1/107, no.1, KAB CSC 1/2/1/107, no.3, KAB CSC 1/2/1/107, no.5, KAB CSC 1/2/1/107, no.8, KAB CSC 1/2/1/107, no.13, KAB CSC 1/2/1/107, no.20, KAB CSC 1/2/1/107, no.3, KAB CSC 1/2/1/107, no.6, KAB CSC 1/2/1/107, no.6, KAB CSC 1/2/1/107, no.8, KAB CSC 1/2/1/107, no.9 and KAB CSC 1/2/1/108, no.5.

¹⁴⁵ KAB CSC 1/2/1/108, no.1, KAB CSC 1/2/1/109, no.6, KAB CSC 1/2/1/109, no.1, KAB CSC 1/2/1/110, no.6, KAB CSC 1/2/1/110, Esau, KAB CSC 1/2/1/110, no.2, KAB CSC 1/2/1/110, no.5, KAB CSC 1/2/1/110, no.8, KAB CSC 1/2/1/110, no.12, KAB CSC 1/2/1/110, no.16 and KAB CSC 1/2/1/111, no.11.

¹⁴⁶ KAB CSC 1/2/1/110, no.17, KAB CSC 1/2/1/110, no.2, KAB CSC 1/2/1/111, no.14, KAB CSC 1/2/1/111, no.1, KAB CSC 1/2/1/112, no.2, KAB CSC 1/2/1/112, no.9, KAB CSC 1/2/1/112, no.3, KAB CSC 1/2/1/112, no.4, and KAB CSC 1/2/1/112, no.13.

¹⁴⁷ KAB CSC 1/2/1/112, no.8, KAB CSC 1/2/1/112, no.10, KAB CSC 1/2/1/113, no.3, KAB CSC 1/2/1/113, no.4, KAB CSC 1/2/1/113, no.9, KAB CSC 1/2/1/113, no.3, KAB CSC 1/2/1/113, no.2, KAB CSC 1/2/1/113,

8.3 Occupation of rapists from the Court of Justice and Cape Supreme Court Records¹⁴⁹



no.3, KAB CSC 1/2/1/113, no.14, KAB CSC 1/2/1/113, no.15, KAB CSC 1/2/1/114, no.9 and KAB CSC 1/2/1/113, no.11.

¹⁴⁸ KAB CSC 1/2/1/114, no.1, KAB CSC 1/2/1/114, no.2, KAB CSC 1/2/1/114, no.24, KAB CSC 1/2/1/114, no.6, KAB CSC 1/2/1/114, no.1, KAB CSC 1/2/1/114, no.1, KAB CSC 1/2/1/114, no.5, KAB CSC 1/2/1/115, no.8, KAB CSC 1/2/1/115, no.2, KAB CSC 1/2/1/115, no.1, KAB CSC 1/2/1/115, no.1, KAB CSC 1/2/1/115, no.3, KAB CSC 1/2/1/115, no.8 and KAB CSC 1/2/1/115, no.3.

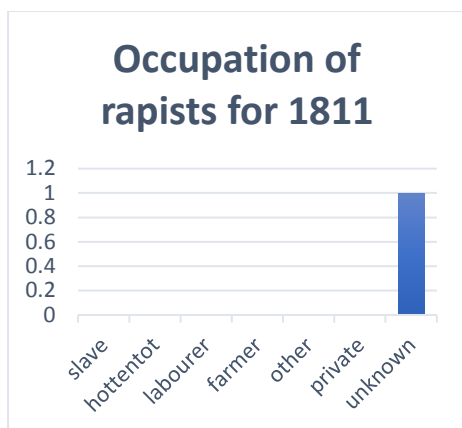
¹⁴⁹ For the purpose of this statistic “private” is defined as a person holding the lowest rank in the army. The category of “other” includes occupations such as being a cook, wagon driver, gardener, shoemaker, stone mason and shepherd. This category for the most part includes people of the working class.

¹⁵⁰ KAB CJ 797, case 409, Paul of Mozambique.

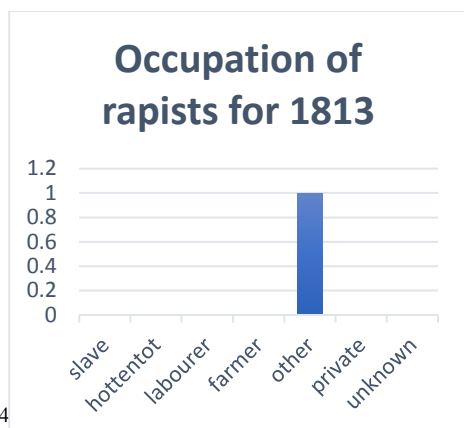
¹⁵¹ KAB CJ 789, Isaak of the Cape, p.85.

¹⁵² KAB CJ 798, August of Mozambique, p.249.

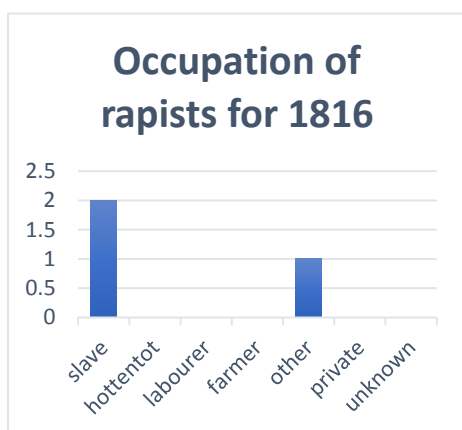
¹⁵³ KAB CJ 803, p.545. and KAB CJ 805, pp.573-587



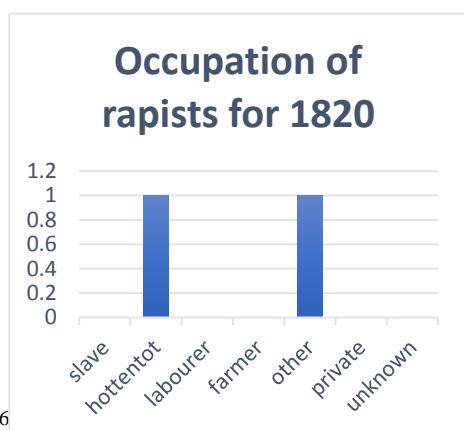
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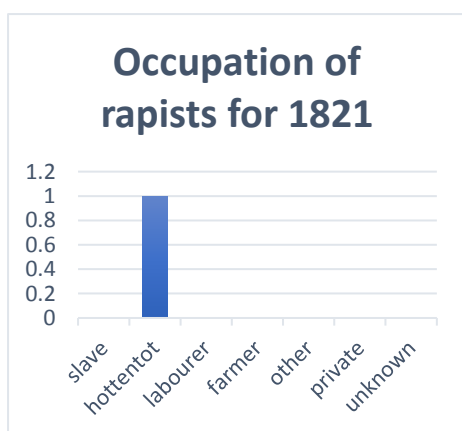
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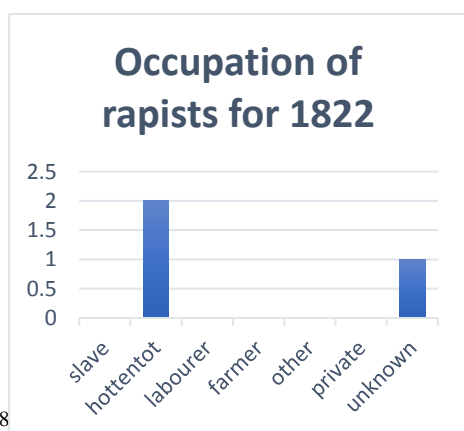
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¹⁵⁴ KAB CJ 804, p.11.

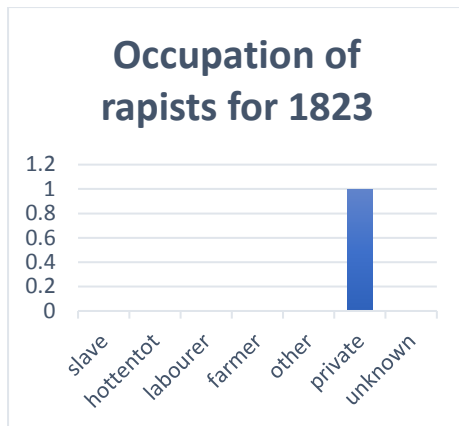
¹⁵⁵ KAB CJ 805, pp. 682-659.

¹⁵⁶ KAB CJ 809, no. 25, KAB CJ 809, no.28 and KAB CJ 812, no.36

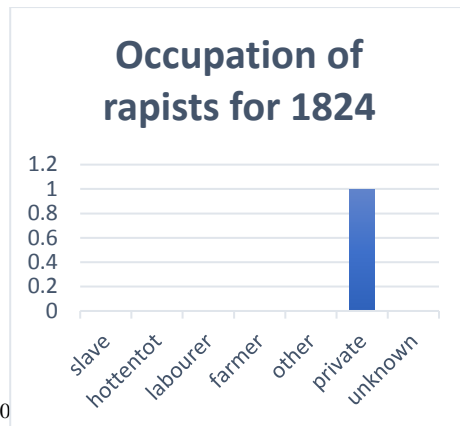
¹⁵⁷ KAB CJ 814, no.6 and KAB CJ 814, pp. 447-455.

¹⁵⁸ KAB CJ 815, pp. 42-54.

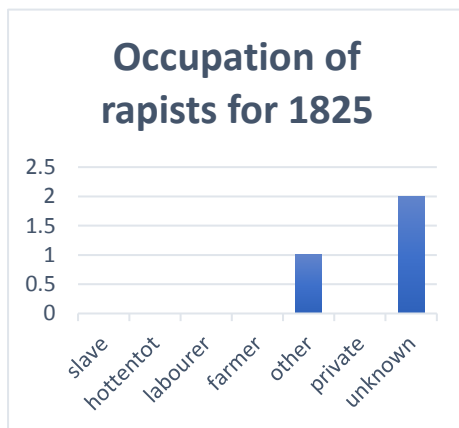
¹⁵⁹ KAB CJ 816, pp. 114-127, KAB CJ 816, pp.813-818 and KAB CJ 816, pp. 1071-1081



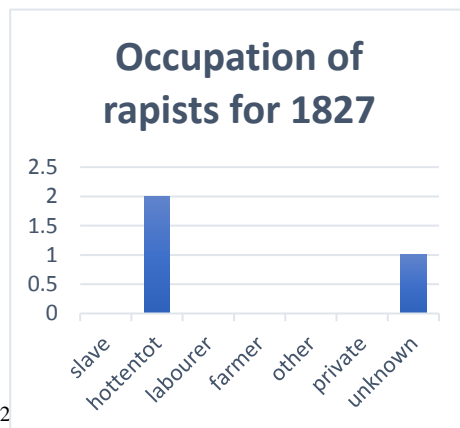
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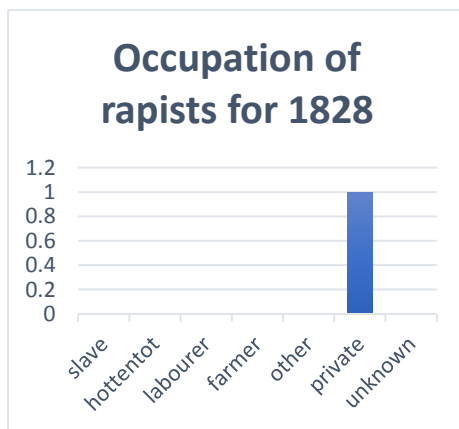
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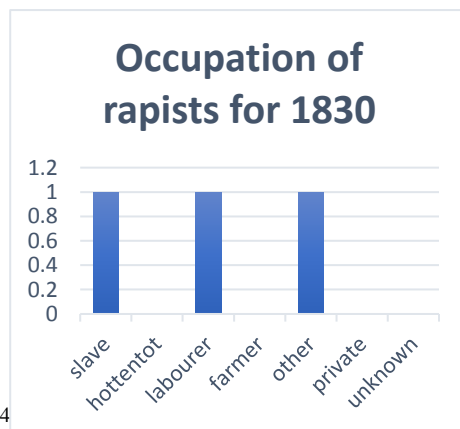
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¹⁶⁰ KAB CJ, pp. 540-551.

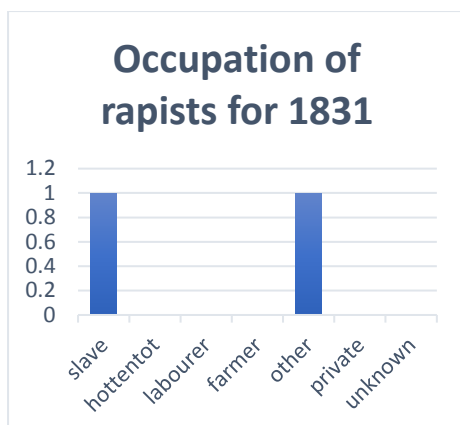
¹⁶¹ KAB CJ 818, pp. 269-280.

¹⁶² KAB CJ 819, pp. 54-61, KAB CJ 819, pp. 124-133 and KAB CJ 819, pp. 668-682.

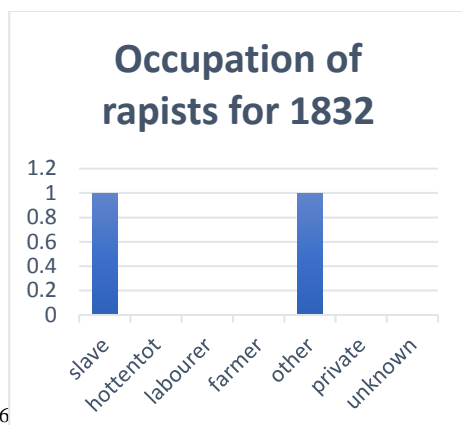
¹⁶³ KAB CJ 820, no.17 and KAB CJ 820, no.31.

¹⁶⁴ KAB CSC 1/1/1/1, no.6.

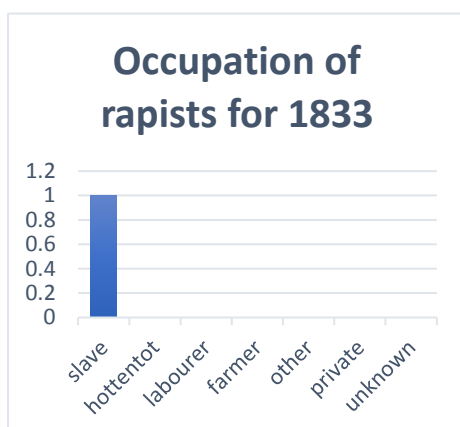
¹⁶⁵ KAB CSC 1/1/1/3, Adonis and KAB CSC 1/1/1/3, Charles.



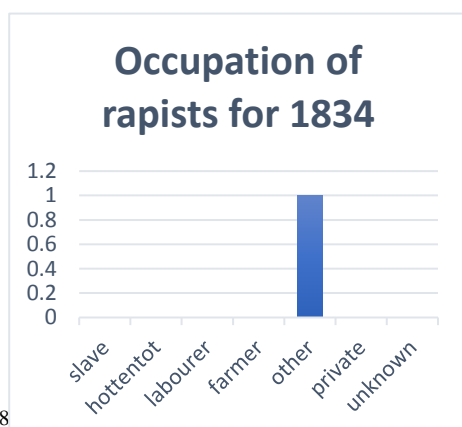
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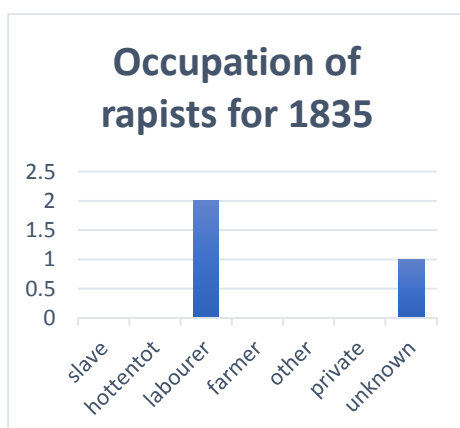
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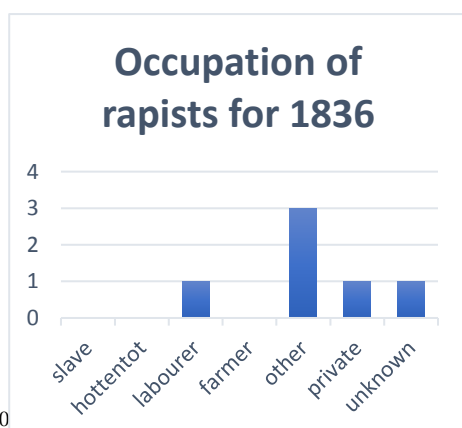
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¹⁶⁶ KAB CSC 1/1/1/4, no.11 and KAB CSC 1/1/1/4, no.11.

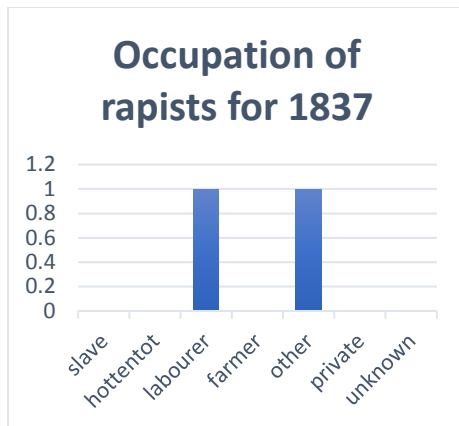
¹⁶⁷ KAB CSC 1/1/1/5, no.8 and KAB CSC 1/1/1/4, no.6.

¹⁶⁸ KAB CSC 1/1/1/7, no.8.

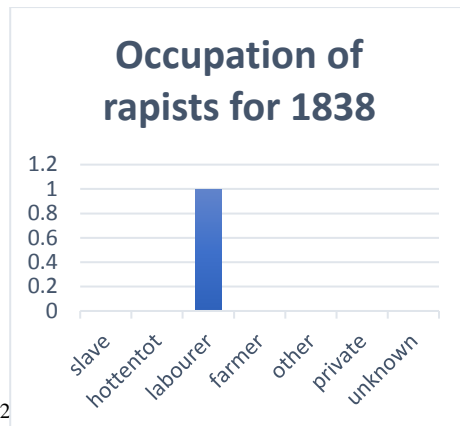
¹⁶⁹ KAB CSC 1/1/1/7, no.1

¹⁷⁰ KAB CSC 1/1/1/8, no.4. and KAB CSC 1/1/1/9, no.8

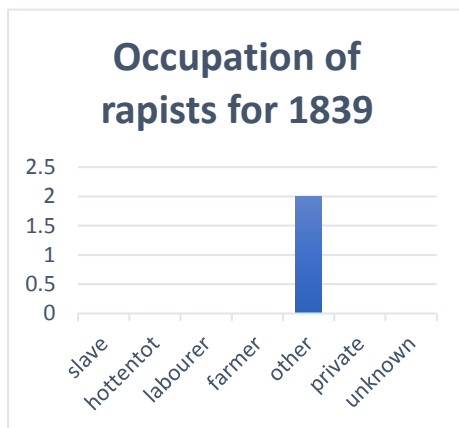
¹⁷¹ KAB CSC 1/1/1/9, no.3., KAB CSC 1/1/1/9, no.7, KAB CSC 1/1/1/9, no.3, KAB CSC 1/1/1/9, no.11, KAB CSC 1/1/1/9, no.12 and KAB CSC 1/1/1/10, no.2.



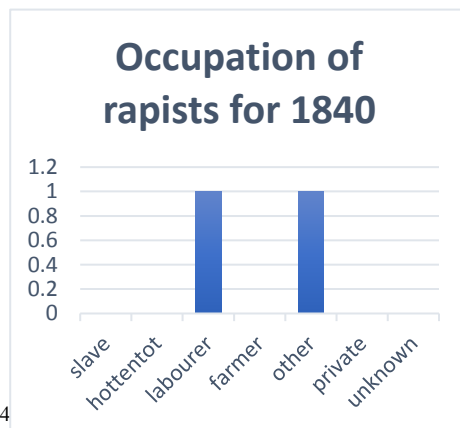
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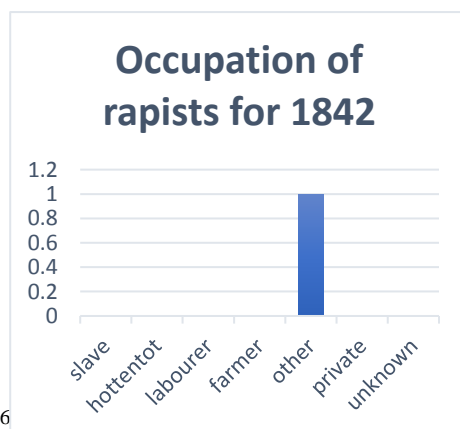
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¹⁷² KAB CSC 1/1/10,no.2 and KAB CSC 1/1/10, Hamet.

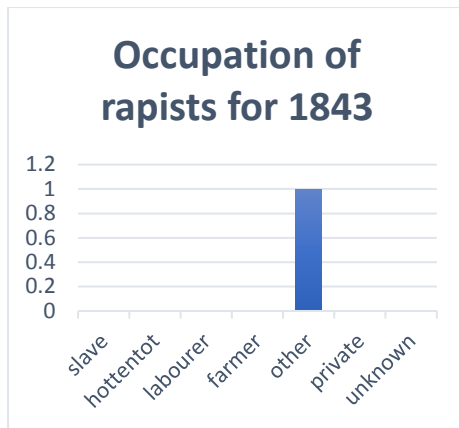
¹⁷³ KAB CSC 1/1/10, no.3.

¹⁷⁴ KAB CSC 1/1/10, no.1 and KAB CSC 1/1/11, no.6

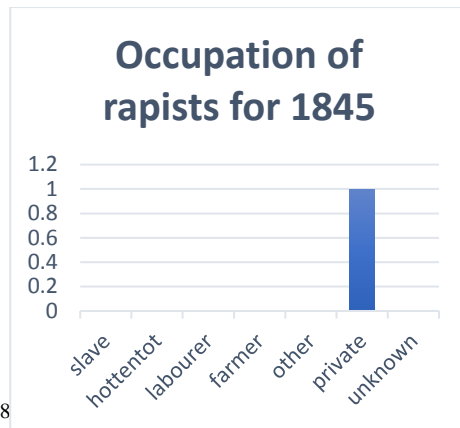
¹⁷⁵ KAB CSC 1/1/11, Azor and KAB CSC 1/1/11, Joseph and Piet.

¹⁷⁶ KAB CSC 1/1/11, no.5, KAB CSC 1/1/12, no.9 and KAB CSC 1/1/12, no. 11.

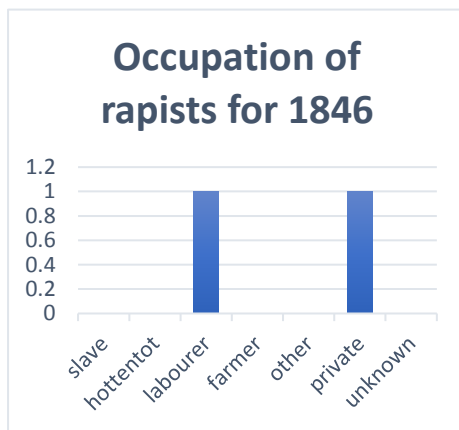
¹⁷⁷ KAB CSC 1/1/12, no.10.



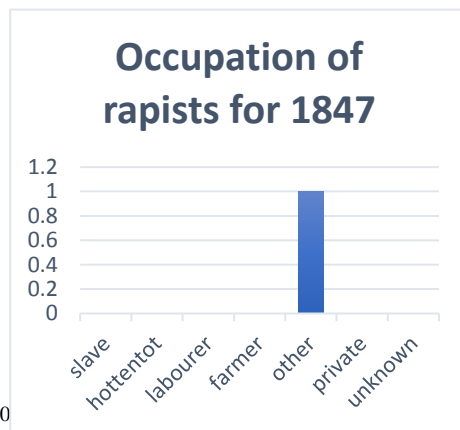
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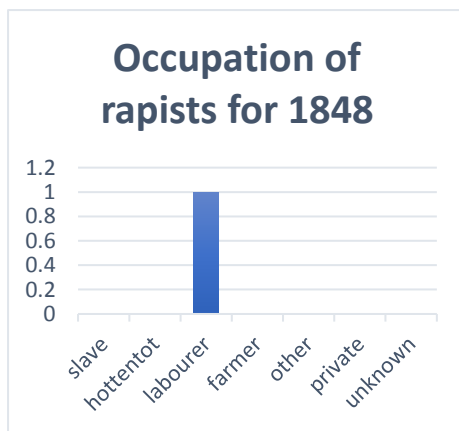
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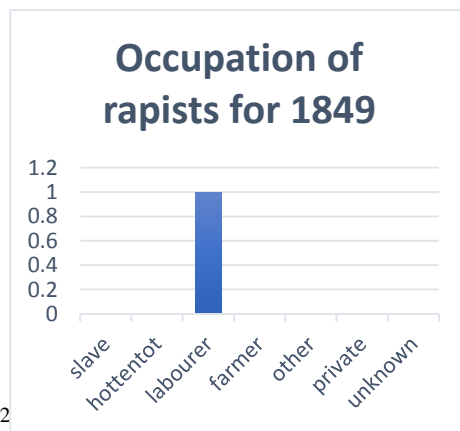
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¹⁷⁸ KAB CSC 1/1/12, no.8.

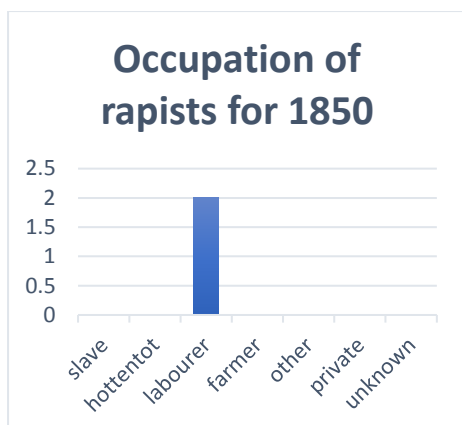
¹⁷⁹ KAB CSC 1/1/13, no.6.

¹⁸⁰ KAB CSC 1/1/13, no.5 and KAB CSC 1/1/13, no.5.

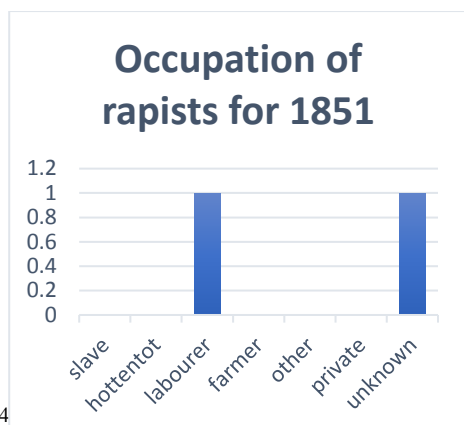
¹⁸¹ KAB CSC 1/1/13, no.1.

¹⁸² KAB CSC 1/1/13, no.2.

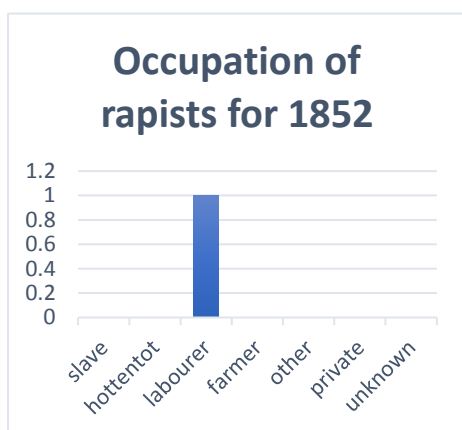
¹⁸³ KAB CSC 1/1/14, no.2.



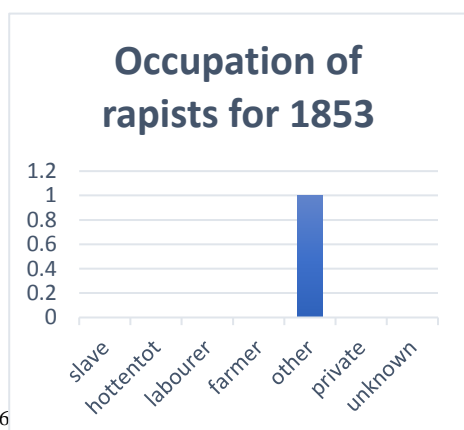
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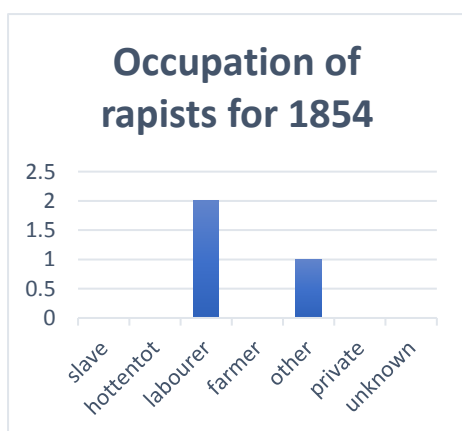
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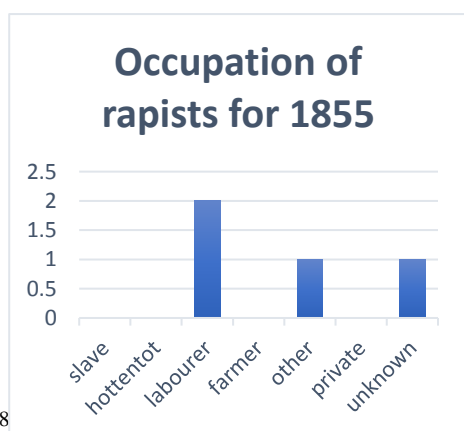
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¹⁸⁴ KAB CSC 1/1/1/14, no.13 and KAB CSC 1/1/1/15, no.2.

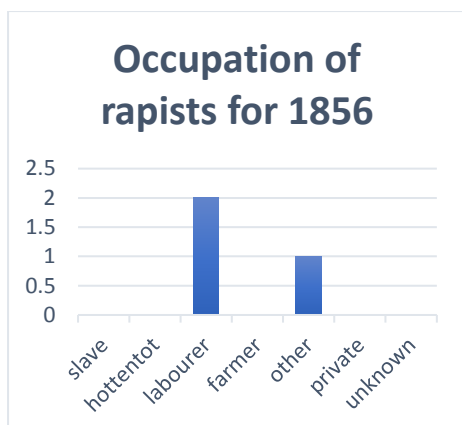
¹⁸⁵ KAB CSC 1/1/1/16, no.7 and KAB CSC 1/1/1/16, no.8.

¹⁸⁶ KAB CSC 1/1/1/16, no.7.

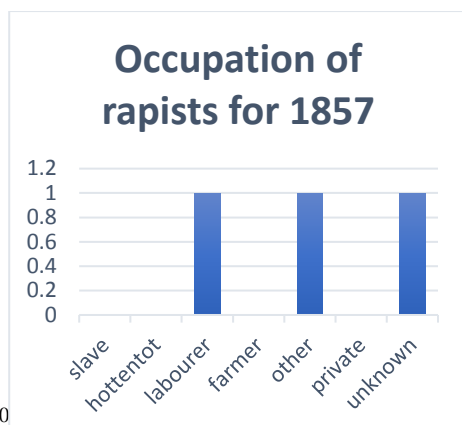
¹⁸⁷ KAB CSC 1/1/1/16, no.6.

¹⁸⁸ KAB CSC 1/1/1/16, no.12, KAB CSC 1/1/1/16, no.3 and KAB CSC 1/1/1/16, no.9.

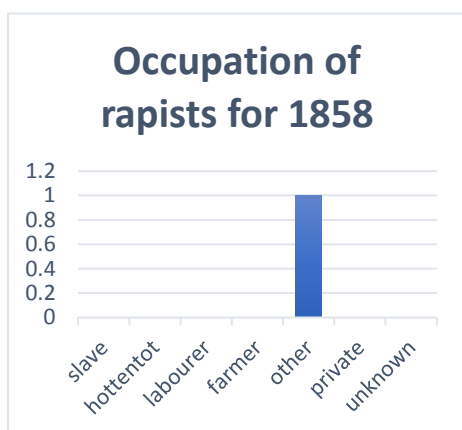
¹⁸⁹ KAB CSC 1/1/1/16, no.6, KAB CSC 1/1/1/16, no.1, KAB CSC 1/1/1/16, no.7 and KAB CSC 1/1/1/17, no.4.



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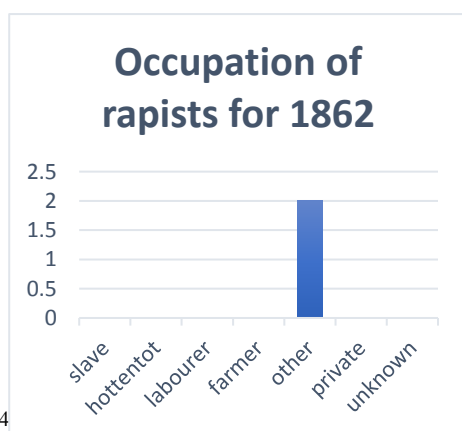
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¹⁹⁰ KAB CSC 1/1/1/17, no.7, KAB CSC 1/1/1/17, no.4 and KAB CSC 1/1/1/17, no.3.

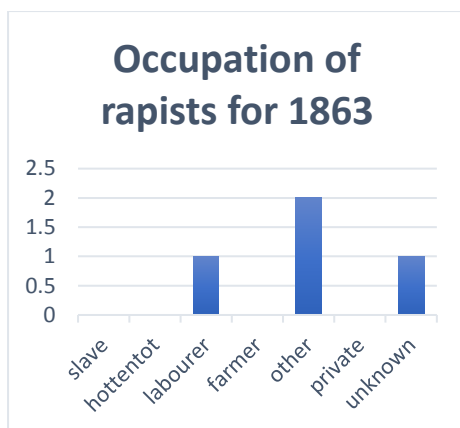
¹⁹¹ KAB CSC 1/1/1/17, no.3, KAB CSC 1/1/1/17, no.9 and KAB CSC 1/1/1/17, no.2.

¹⁹² KAB CSC 1/1/1/17, no.4.

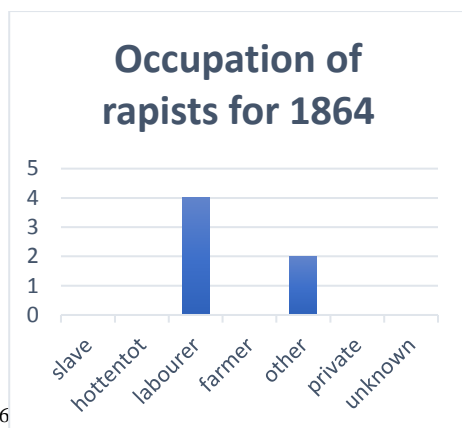
¹⁹³ KAB CSC 1/1/1/18, no.9, KAB CSC 1/1/1/18, no.14, KAB CSC 1/1/1/18, no.3 and KAB CSC 1/1/1/18, no.2.

¹⁹⁴ KAB CSC 1/1/1/18, no.6, KAB CSC 1/1/1/18, no.6 and KAB CSC 1/1/1/18, no.15.

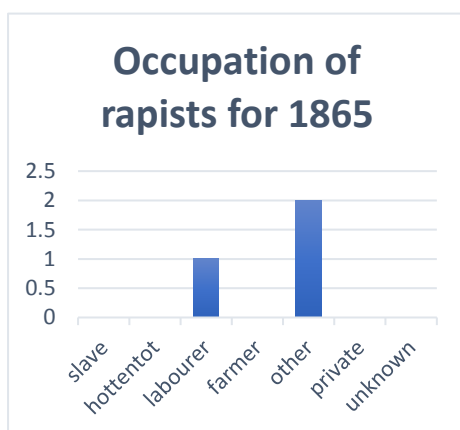
¹⁹⁵ KAB CSC 1/1/1/18, no.7 and KAB CSC 1/1/1/18, no.13.



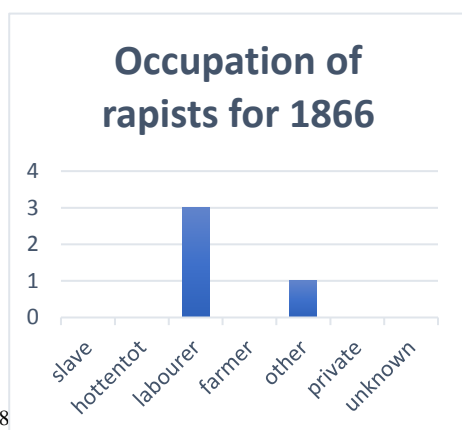
196



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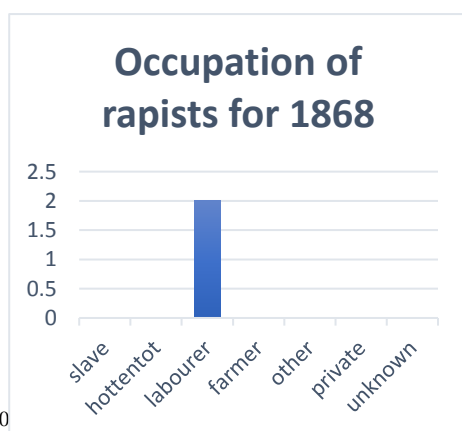
198



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¹⁹⁶ KAB CSC 1/1/1/19, no.2, KAB CSC 1/1/1/19, no.8, KAB CSC 1/1/1/19, no.21 and KAB CSC 1/1/1/19, no.8.

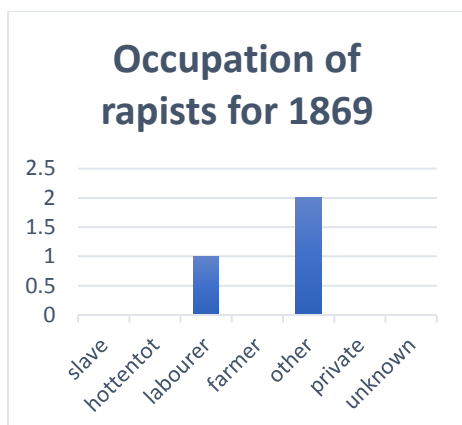
¹⁹⁷ KAB CSC 1/1/1/19, no.10, KAB CSC 1/1/1/19, no.11, KAB CSC 1/1/1/19, no.5, KAB CSC 1/1/1/19, no.8, KAB CSC 1/1/1/19, no.14 and KAB CSC 1/1/1/20, no.15

¹⁹⁸ KAB CSC 1/1/1/20, no.12, KAB CSC 1/1/1/20, no.6 and KAB CSC 1/1/1/20, no.26.

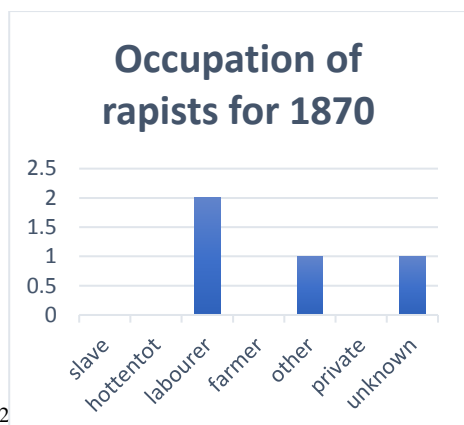
¹⁹⁹ KAB CSC 1/1/1/20, no.10, KAB CSC 1/1/1/21, no.1, KAB CSC 1/1/1/21, no.19 and KAB CSC 1/1/1/21, no.20.

²⁰⁰ KAB CSC 1/1/1/21, no.3, KAB CSC 1/1/1/21, no.7 and KAB CSC 1/1/1/21, no.2.

²⁰¹ KAB CSC 1/1/1/21, no.14 and KAB CSC 1/1/1/22, no.4.



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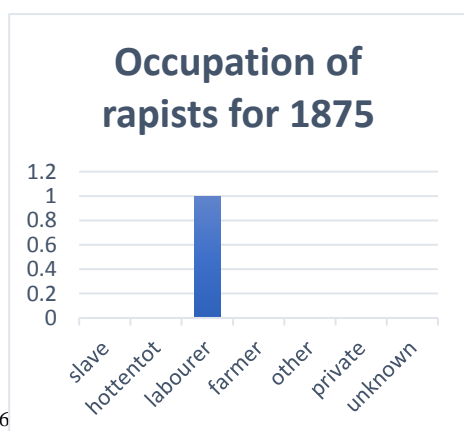
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²⁰² KAB CSC 1/1/1/22, no.16, KAB CSC 1/1/1/22, no.33 and KAB CSC 1/1/1/22, no.14.

²⁰³ KAB CSC 1/1/1/22, no.3, KAB CSC 1/1/1/23, no.4, KAB CSC 1/1/1/23, no.6 and KAB CSC 1/1/1/23, no.229

²⁰⁴ KAB CSC 1/1/1/23, no.14, KAB CSC 1/1/1/23, no.8 and KAB CSC 1/1/1/24, no.1.

²⁰⁵ KAB CSC 1/1/1/24, no.3, KAB CSC 1/1/1/24, no.1 and KAB CSC 1/1/1/24, no.2.

²⁰⁶ KAB CSC 1/1/1/24, no.14, KAB CSC 1/1/1/24, no.7, KAB CSC 1/1/1/24, no.2 and KAB CSC 1/1/1/25, no.12.

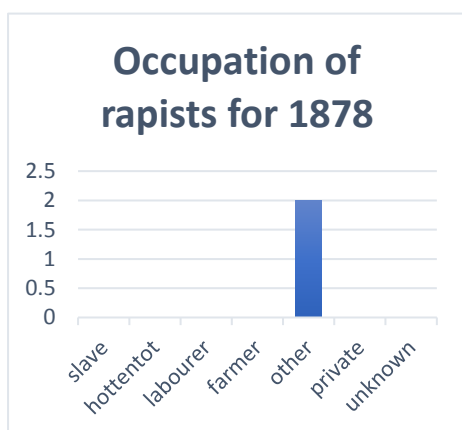
²⁰⁷ KAB CSC 1/1/1/25, no.6.



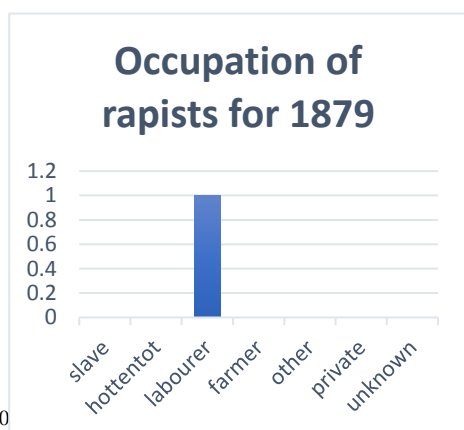
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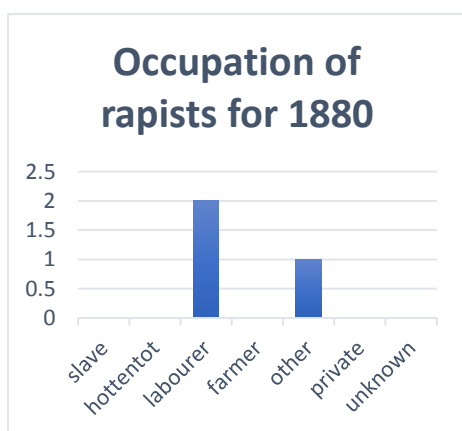
209



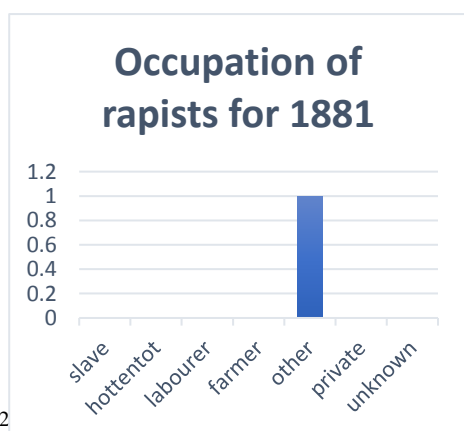
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²⁰⁸ KAB CSC 1/1/1/25, no.16, KAB CSC 1/1/1/25, no.4, KAB CSC 1/1/1/26, no.1, KAB CSC 1/1/1/26, no.2 and KAB CSC 1/1/1/25, no.4.

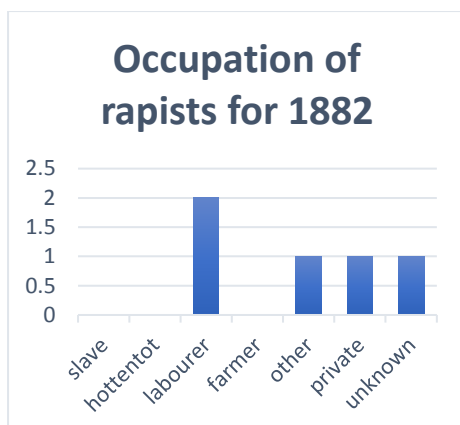
²⁰⁹ KAB CSC 1/1/1/25, no.6, KAB CSC 1/1/1/25, no.9, KAB CSC 1/1/1/25, no.13, KAB CSC 1/1/1/25, no.16, KAB CSC 1/1/1/25, no.6, KAB CSC 1/1/1/27, no.8 and KAB CSC 1/1/1/30, no.8.

²¹⁰ KAB CSC 1/1/1/27, no.12 and KAB CSC 1/1/1/27, no.6.

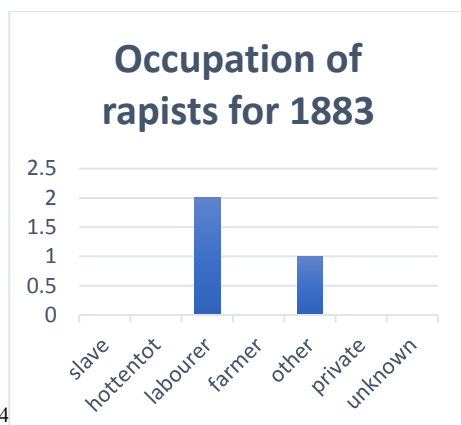
²¹¹ KAB CSC 1/1/1/27, no.3.

²¹² KAB CSC 1/1/1/28, no.5, KAB CSC 1/1/1/28, no.1 and KAB CSC 1/1/1/29, no.7

²¹³ KAB CSC 1/1/1/29, no.3.



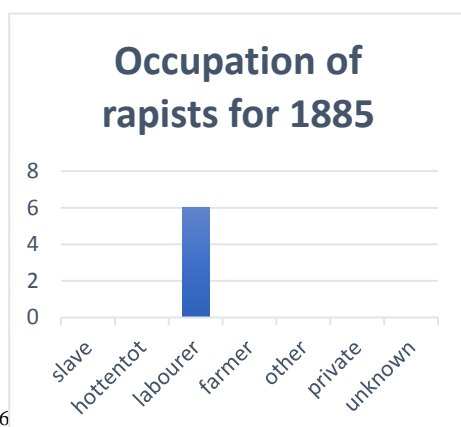
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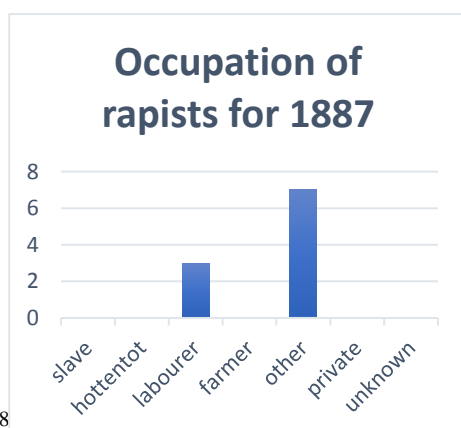
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²¹⁴ KAB CSC 1/1/1/30, no.6, KAB CSC 1/1/1/30, no.3, KAB CSC 1/1/1/30, no.5, KAB CSC 1/1/1/30, no.4, KAB CSC 1/1/1/30, no.19, KAB CSC 1/1/1/31, no.5 and KAB CSC 1/1/1/31, no.7.

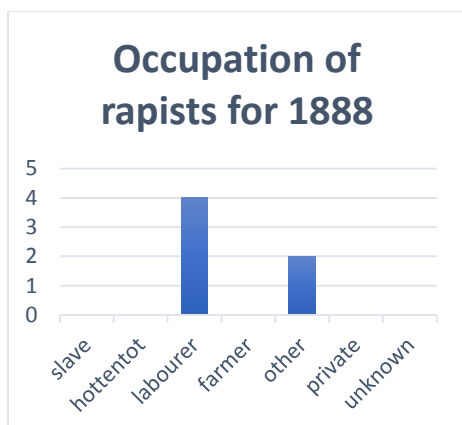
²¹⁵ KAB CSC 1/1/1/31, no.12, KAB CSC 1/1/1/31, no.20 and KAB CSC 1/1/1/31, no.2.

²¹⁶ KAB CSC 1/1/1/32, no.14, KAB CSC 1/1/1/32, no.10, KAB CSC 1/1/1/32, no.21 and KAB CSC 1/1/1/33, no.2.

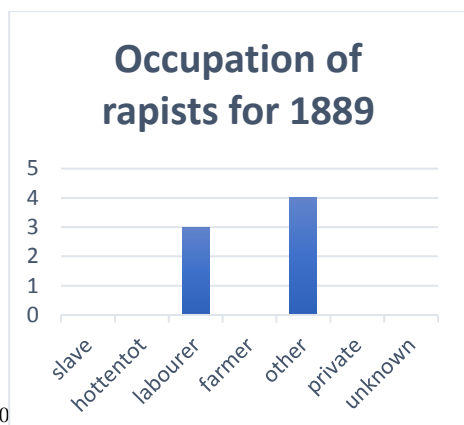
²¹⁷ KAB CSC 1/1/1/33, no.1, KAB CSC 1/1/1/33, no.2, KAB CSC 1/1/1/33, no.10, KAB CSC 1/1/1/33, no.11, KAB CSC 1/1/1/33, no. 4 and KAB CSC 1/1/1/33, no.2.

²¹⁸ KAB CSC 1/1/1/33, no.6, KAB CSC 1/1/1/33, no.1, KAB CSC 1/1/1/33, no.8, KAB CSC 1/1/1/33, no.9 and KAB CSC 1/1/1/33, no.10.

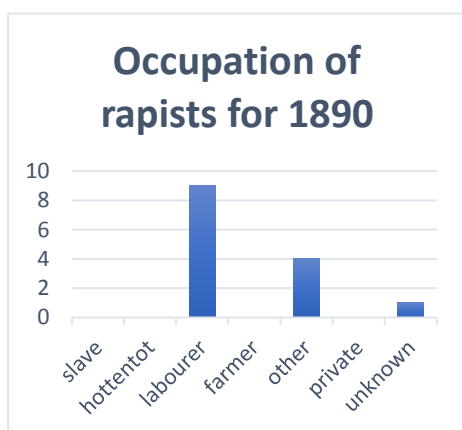
²¹⁹ KAB CSC 1/1/1/34, no.1, KAB CSC 1/1/1/34, no.2, KAB CSC 1/1/1/34, no.6, KAB CSC 1/1/1/34, no.1, KAB CSC 1/1/1/34, no.8, KAB CSC 1/1/1/34, no.3, KAB CSC 1/1/1/34, no.1, KAB CSC 1/1/1/34, no.6, KAB CSC 1/1/1/34, no.9 and KAB CSC 1/1/1/34, no.15.



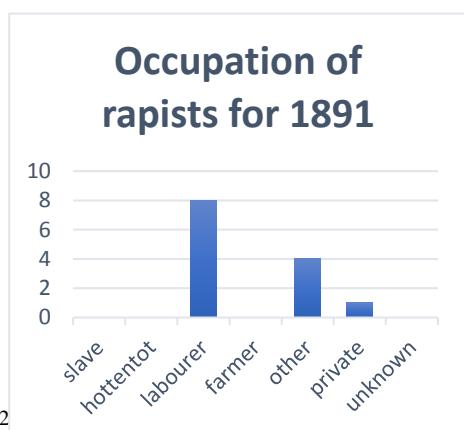
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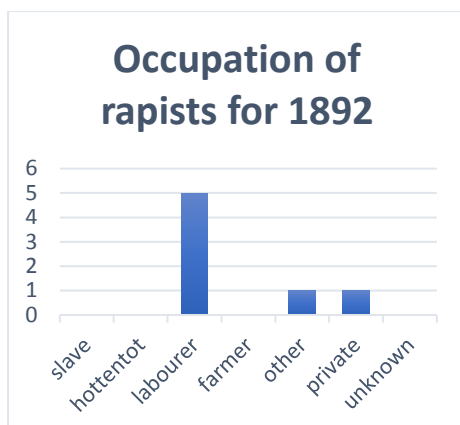
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²²⁰ KAB CSC 1/1/1/34, no.3, KAB CSC 1/1/1/34, no.4 KAB CSC 1/1/1/34, no.10, KAB CSC 1/1/1/36, no.4, KAB CSC 1/1/1/34, no.10 and KAB CSC 1/1/1/34, no.13.

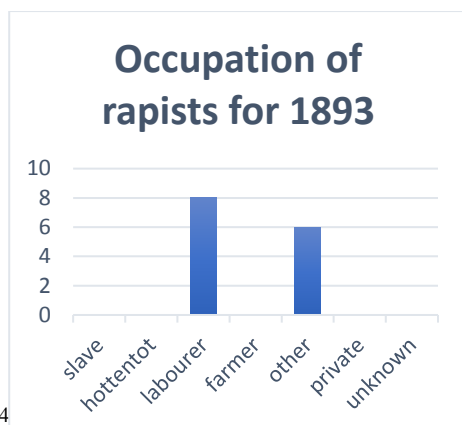
²²¹ KAB CSC 1/1/1/35, no.7, KAB CSC 1/1/1/35, no.9, KAB CSC 1/1/1/35, no.8, KAB CSC 1/1/1/35, no.12, KAB CSC 1/1/1/35, no.1, KAB CSC 1/1/1/36, no.12 and KAB CSC 1/1/1/36, no.8.

²²² KAB CSC 1/1/1/36, no.9, KAB CSC 1/1/1/36, no.10, KAB CSC 1/1/1/36, no.12, KAB CSC 1/1/1/36, no.5, KAB CSC 1/1/1/36, no.10, KAB CSC 1/1/1/36, no.3, KAB CSC 1/1/1/36, no.9, KAB CSC 1/1/1/36, no.13, KAB CSC 1/1/1/37, no.1, KAB CSC 1/1/1/37, no.2, KAB CSC 1/1/1/37, no.3, KAB CSC 1/1/1/37, no.4, KAB CSC 1/1/1/37, no.10 and KAB CSC 1/1/1/37, no.8.

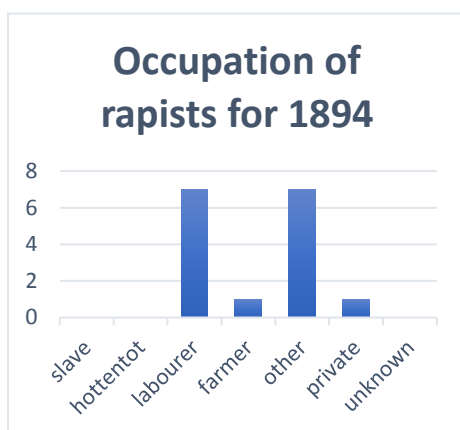
²²³ KAB CSC 1/1/1/37, no.3, KAB CSC 1/1/1/37, no.4, KAB CSC 1/1/1/37, no.5, KAB CSC 1/1/1/37, no.18, KAB CSC 1/1/1/37, no.3, KAB CSC 1/1/1/37, no.6, KAB CSC 1/1/1/37, no.8, KAB CSC 1/1/1/37, no.24, KAB CSC 1/1/1/37, no.3, KAB CSC 1/1/1/37, no.9, KAB CSC 1/1/1/38, no.2, KAB CSC 1/1/1/38, no.4 and KAB CSC 1/1/1/38, no.2.



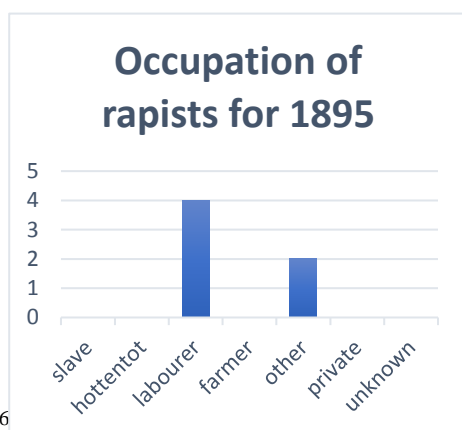
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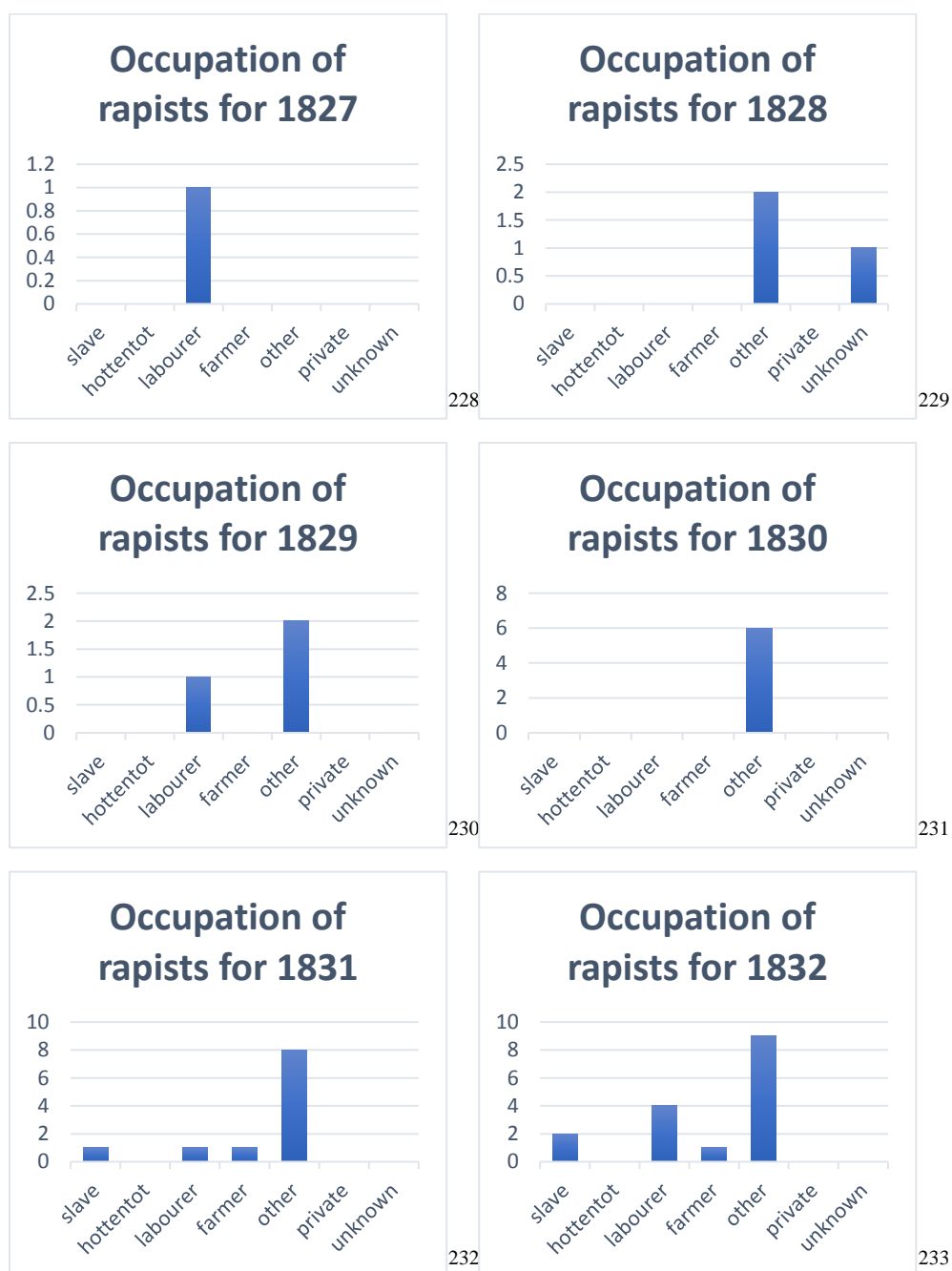
²²⁴ KAB CSC 1/1/1/38, no.7, KAB CSC 1/1/1/38, no.11, KAB CSC 1/1/1/38, no.18, KAB CSC 1/1/1/38, no.3, KAB CSC 1/1/1/38, no.2, KAB CSC 1/1/1/38, no.13 and KAB CSC 1/1/1/38, no.15.

²²⁵ KAB CSC 1/1/1/39, no.13, KAB CSC 1/1/1/39, no.4, KAB CSC 1/1/1/39, no.25, KAB CSC 1/1/1/39, no.26, KAB CSC 1/1/1/39, no.3, KAB CSC 1/1/1/39, no.4, KAB CSC 1/1/1/39, no.8, KAB CSC 1/1/1/39, no.9, KAB CSC 1/1/1/39, no.13, KAB CSC 1/1/1/39, no.14, KAB CSC 1/1/1/40, no.5, KAB CSC 1/1/1/40, no.15, KAB CSC 1/1/1/40, no.16 and KAB CSC 1/1/1/40, no.4.

²²⁶ KAB CSC 1/1/1/40, no.5, KAB CSC 1/1/1/40, no.6, KAB CSC 1/1/1/40, no.7, KAB CSC 1/1/1/40, no.29, KAB CSC 1/1/1/41, no.1, KAB CSC 1/1/1/41, no.7, KAB CSC 1/1/1/41, no.8, KAB CSC 1/1/1/41, no.16, KAB CSC 1/1/1/41, no.18, KAB CSC 1/1/1/41, no.5, KAB CSC 1/1/1/41, no.9, KAB CSC 1/1/1/41, no.22, KAB CSC 1/1/1/41, no.24, KAB CSC 1/1/1/42, no.4, KAB CSC 1/1/1/42, no.6, KAB CSC 1/1/1/42, no.13, KAB CSC 1/1/1/42, no.13, KAB CSC 1/1/1/42, no.29, KAB CSC 1/1/1/42, no.28 and KAB CSC 1/1/1/42, no.12.

²²⁷ KAB CSC 1/1/1/42, no.34, KAB CSC 1/1/1/42, no.36, KAB CSC 1/1/1/42, no.8, KAB CSC 1/1/1/42, no.5, KAB CSC 1/1/1/42, no.9 and KAB CSC 1/1/1/42, no.21.

8.4 Occupation of rapists from the Circuit Court Records



²²⁸ KAB CSC 1/2/1/1, no.2.

²²⁹ KAB CSC 1/2/1/2, no.10, KAB CSC 1/2/1/2, no.4 and KAB CSC 1/2/1/3, no.20.

²³⁰ KAB CSC 1/2/1/4, no.9, KAB CSC 1/2/1/5, no.1 and KAB CSC 1/2/1/4, no.2.

²³¹ KAB CSC 1/2/1/6, no.6, KAB CSC 1/2/1/7, no.12, KAB CSC 1/2/1/7, no.13, KAB CSC 1/2/1/7, no.1, KAB CSC 1/2/1/8, no.12 and KAB CSC 1/2/1/9, no.2.

²³² KAB CSC 1/2/1/7, no.8, KAB CSC 1/2/1/8, no.6, KAB CSC 1/2/1/8, no.11, KAB CSC 1/2/1/8, no.14, KAB CSC 1/2/1/8, no.17, KAB CSC 1/2/1/8, no.22, KAB CSC 1/2/1/8, no.1, KAB CSC 1/2/1/9, no.7, KAB CSC 1/2/1/10, no.7 and KAB CSC 1/2/1/10, no.9.

²³³ KAB CSC 1/2/1/9, no.9, KAB CSC 1/2/1/9, no.2, KAB CSC 1/2/1/9, no.12, KAB CSC 1/2/1/10, no.16, KAB CSC 1/2/1/10, no.18, KAB CSC 1/2/1/10, no.10, KAB CSC 1/2/1/10, no.7, KAB CSC 1/2/1/10, no.9, KAB CSC 1/2/1/11, no.10, KAB CSC 1/2/1/11, no.9, KAB CSC 1/2/1/11, no.10, KAB CSC 1/2/1/11, no.13, KAB CSC 1/2/1/11, no.16, KAB CSC 1/2/1/11, no.19, KAB CSC 1/2/1/11, no.20 and KAB CSC 1/2/1/11, no.6.



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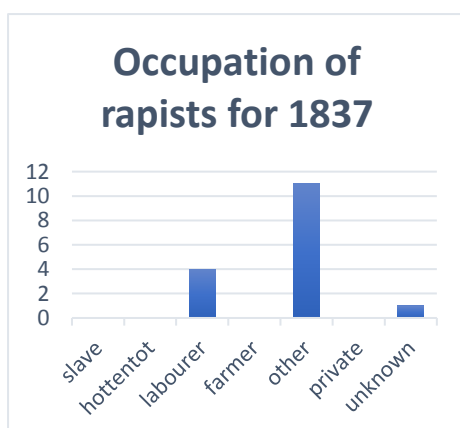
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²³⁴ KAB CSC 1/2/1/11, no.21, KAB CSC 1/2/1/12, no.18, KAB CSC 1/2/1/12, no.12, KAB CSC 1/2/1/13, no.2, KAB CSC 1/2/1/13, no.7, KAB CSC 1/2/1/13, no.13 and KAB CSC 1/2/1/13, no.15.

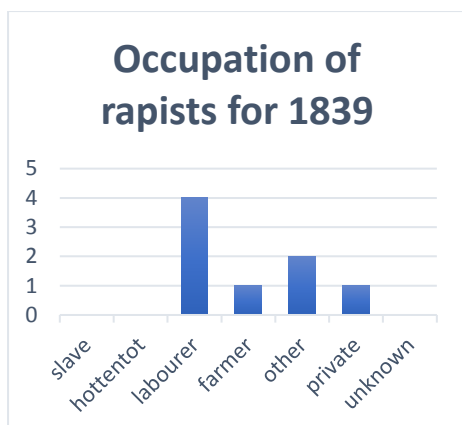
²³⁵ KAB CSC 1/2/1/14, no.8, KAB CSC 1/2/1/14, no.21, KAB CSC 1/2/1/15, no.7, KAB CSC 1/2/1/16, no.9, KAB CSC 1/2/1/16, no.11, KAB CSC 1/2/1/16, no.23 and KAB CSC 1/2/1/17, no.10

²³⁶ KAB CSC 1/2/1/17, no.5, KAB CSC 1/2/1/17, no.6, KAB CSC 1/2/1/17, no.15, KAB CSC 1/2/1/17, no.4, KAB CSC 1/2/1/18, no.17 and KAB CSC 1/2/1/18, no.13.

²³⁷ KAB CSC 1/2/1/18, no.11, KAB CSC 1/2/1/18, no.19, KAB CSC 1/2/1/19, no.12, KAB CSC 1/2/1/19, no.8, KAB CSC 1/2/1/20, no.14, KAB CSC 1/2/1/20, no.21 and KAB CSC 1/2/1/21, no.11.

²³⁸ KAB CSC 1/2/1/19, no.13, KAB CSC 1/2/1/19, no.9, KAB CSC 1/2/1/20, no.13, KAB CSC 1/2/1/20, no.20, KAB CSC 1/2/1/20, no.33, KAB CSC 1/2/1/20, no.14, KAB CSC 1/2/1/20, no.5, KAB CSC 1/2/1/20, no.6, KAB CSC 1/2/1/20, no.8, KAB CSC 1/2/1/20, no.14, KAB CSC 1/2/1/21, no.5, KAB CSC 1/2/1/21, no.2, KAB CSC 1/2/1/21, no.13, KAB CSC 1/2/1/21, no.2, KAB CSC 1/2/1/23, no.7 and KAB CSC 1/2/1/20, no.22.

²³⁹ KAB CSC 1/2/1/21, no.14, KAB CSC 1/2/1/21, no.14, KAB CSC 1/2/1/22, no. 35, KAB CSC 1/2/1/22, no.11 and KAB CSC 1/2/1/23, no.13.



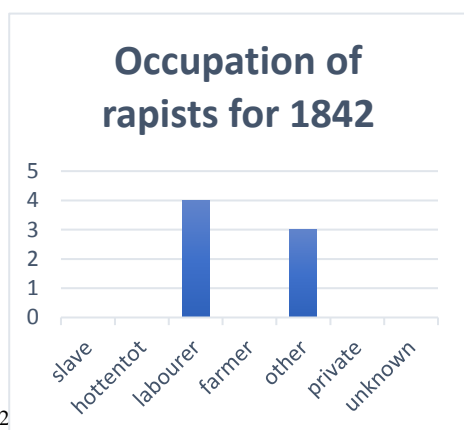
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²⁴⁰KAB CSC 1/2/1/23, no.7, KAB CSC 1/2/1/23, no.11, KAB CSC 1/2/1/24, no.1, KAB CSC 1/2/1/24, no.4, KAB CSC 1/2/1/24, no.7, KAB CSC 1/2/1/24, no.3, KAB CSC 1/2/1/25, no.10, KAB CSC 1/2/1/25, no.17, KAB CSC 1/2/1/25, no.17 and KAB CSC 1/2/1/25, no.9.

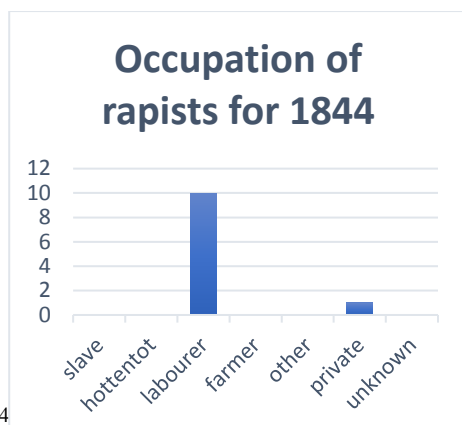
²⁴¹KAB CSC 1/2/1/26, no.8, KAB CSC 1/2/1/26, no.12, KAB CSC 1/2/1/26, no.13, KAB CSC 1/2/1/27, no.2, KAB CSC 1/2/1/27, no.7, KAB CSC 1/2/1/27, no.8 and KAB CSC 1/2/1/27, no.4.

²⁴²KAB CSC 1/2/1/28, no.7, KAB CSC 1/2/1/29, no.5, KAB CSC 1/2/1/29, no.2, KAB CSC 1/2/1/29, no.10, KAB CSC 1/2/1/29, no.8, KAB CSC 1/2/1/30, no.13 and KAB CSC 1/2/1/30, no.14.

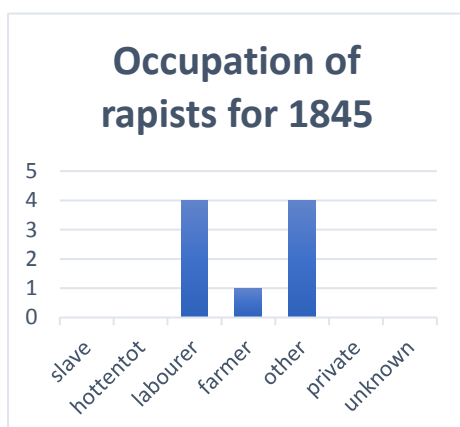
²⁴³KAB CSC 1/2/1/29, no.6, KAB CSC 1/2/1/29, no.3, KAB CSC 1/2/1/30, no.5, KAB CSC 1/2/1/30, no.12, KAB CSC 1/2/1/31, no.5 and KAB CSC 1/2/1/32, no.5



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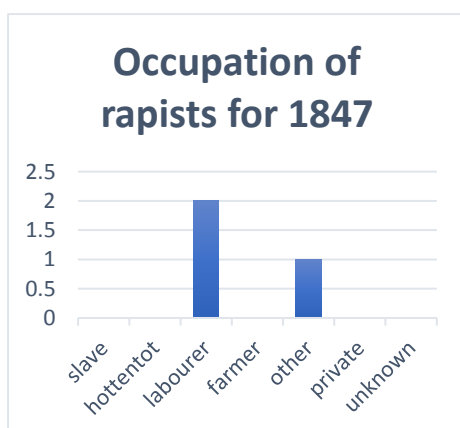
245



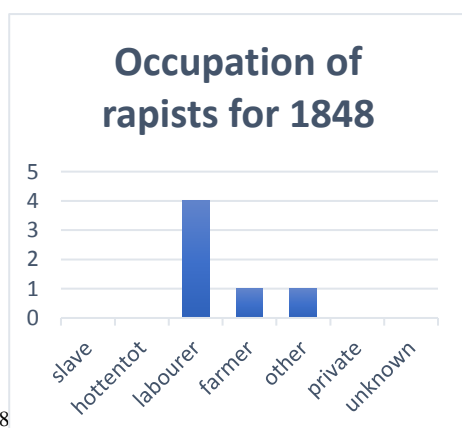
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²⁴⁴ KAB CSC 1/2/1/33, no.8, KAB CSC 1/2/1/33, no.2, KAB CSC 1/2/1/33, no.10, KAB CSC 1/2/1/33, no.5, KAB CSC 1/2/1/34, no.7, KAB CSC 1/2/1/34, no.8, KAB CSC 1/2/1/34, no.11, KAB CSC 1/2/1/34, no.9, KAB CSC 1/2/1/34, no.5, KAB CSC 1/2/1/35, no.8 and KAB CSC 1/2/1/35, no.19.

²⁴⁵ KAB CSC 1/2/1/35, no.3, KAB CSC 1/2/1/35, no.18, KAB CSC 1/2/1/36, no.7, KAB CSC 1/2/1/36, no.7, KAB CSC 1/2/1/37, no.15, KAB CSC 1/2/1/37, no.3, KAB CSC 1/2/1/37, no.8, KAB CSC 1/2/1/37, no.4 and KAB CSC 1/2/1/38, no.15.

²⁴⁶ KAB CSC 1/2/1/37, no.4, KAB CSC 1/2/1/38, no.9, KAB CSC 1/2/1/39, no.4, KAB CSC 1/2/1/35, no.9 and KAB CSC 1/2/1/35, no.4.

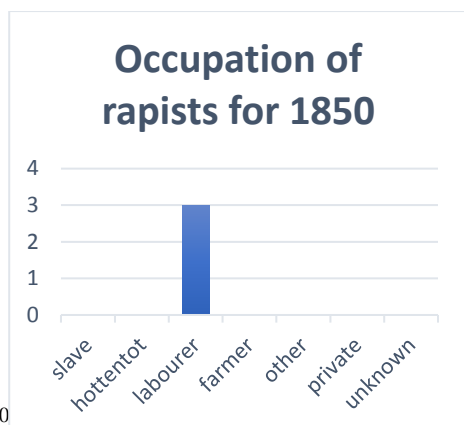
²⁴⁷ KAB CSC 1/2/1/39, no.5, KAB CSC 1/2/1/40, no.29 and KAB CSC 1/2/1/41, no.13.

²⁴⁸ ²⁴⁸ KAB CSC 1/2/1/41, no.12, KAB CSC 1/2/1/42, no.11, KAB CSC 1/2/1/42, no.6, KAB CSC 1/2/1/43, no.2, KAB CSC 1/2/1/43, no.8 and KAB CSC 1/2/1/42, no.11.

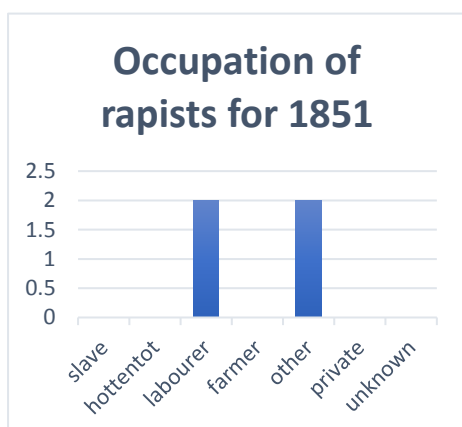
²⁴⁹ KAB CSC 1/2/1/44, no.1, KAB CSC 1/2/1/44, no.7, KAB CSC 1/2/1/44, no.11 and KAB CSC 1/2/1/45, no.2.



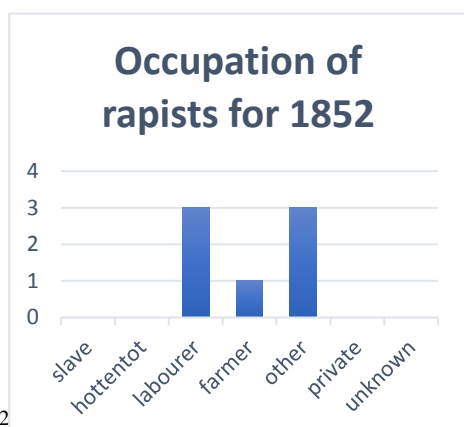
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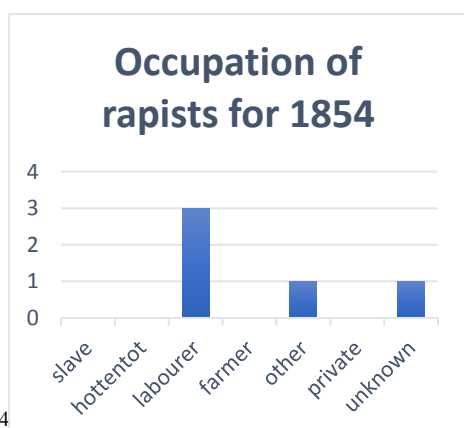
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²⁵⁰ KAB CSC 1/2/1/46, no.6, KAB CSC 1/2/1/48, no.6 and KAB CSC 1/2/48, no.1.

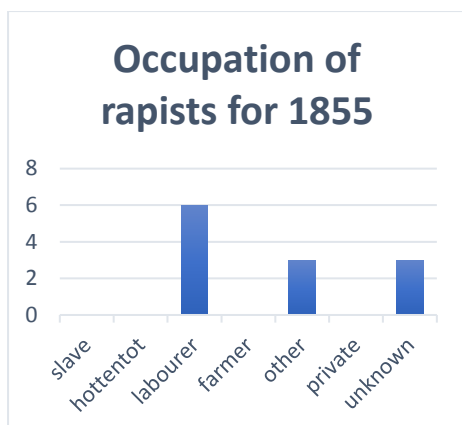
²⁵¹ KAB CSC 1/2/1/47, no.18, KAB CSC 1/2/1/47, no.19, KAB CSC 1/2/1/48, no.10 and KAB CSC 1/2/1/48, no.12.

²⁵² KAB CSC 1/2/1/49, no.11, KAB CSC 1/2/1/49, no.12, KAB CSC 1/2/1/49, no.19, KAB CSC 1/2/1/50, no.4, KAB CSC 1/2/1/50, no.24, KAB CSC 1/2/1/50, no.1 and KAB CSC 1/2/1/71, no.4.

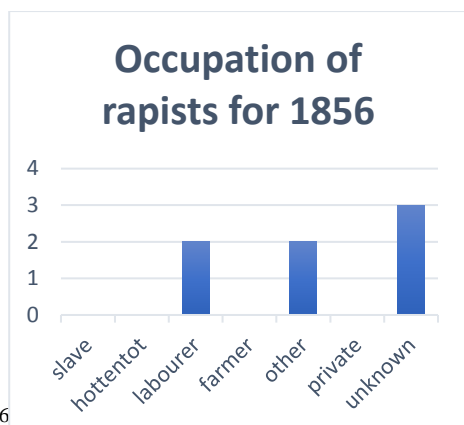
²⁵³ KAB CSC 1/2/1/50, no.4, KAB CSC 1/2/1/50, no.12, KAB CSC 1/2/1/50, no.13, KAB CSC 1/2/1/50, no.20, KAB CSC 1/2/1/51, no.13, KAB CSC 1/2/1/51, no.5, KAB CSC 1/2/1/51, no.6, KAB CSC 1/2/1/51, no.4 and KAB CSC 1/2/1/54, no.8.

²⁵⁴ KAB CSC 1/2/1/52, no.5, KAB CSC 1/2/1/53, no.13, KAB CSC 1/2/1/53, no.12, KAB CSC 1/2/1/53, no.13 and KAB CSC 1/2/1/54, no.6.

²⁵⁵ KAB CSC 1/2/1/54, no.4, KAB CSC 1/2/1/54, no.3, KAB CSC 1/2/1/54, no.2, KAB CSC 1/2/1/55, no.10, KAB CSC 1/2/1/55, no.2, KAB CSC 1/2/1/55, no.6, KAB CSC 1/2/1/55, no.5, KAB CSC 1/2/1/56, no.8, KAB CSC 1/2/1/56, no.10, KAB CSC 1/2/1/56, no.2, KAB CSC 1/2/1/56, no.10 and KAB CSC 1/2/1/57, no.6.



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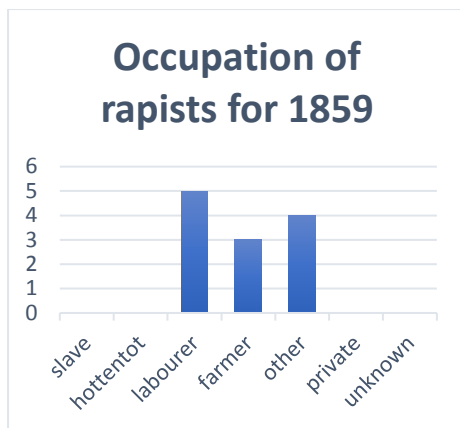
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²⁵⁶ KAB CSC 1/2/1/56, no.3, KAB CSC 1/2/1/56, no.18, KAB CSC 1/2/1/56, no.18, KAB CSC 1/2/1/57, no.3, KAB CSC 1/2/1/57, no.6, KAB CSC 1/2/1/58, no.7 and KAB CSC 1/2/1/58, no.8.

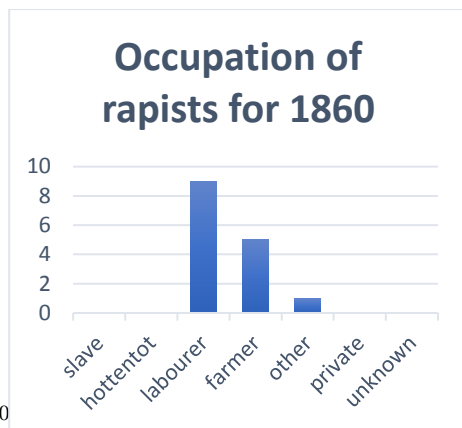
²⁵⁷ KAB CSC 1/2/1/58, no.8, KAB CSC 1/2/1/58, no.4, KAB CSC 1/2/1/59, Henry, KAB CSC 1/2/1/59, Abram, KAB CSC 1/2/1/59, April, KAB CSC 1/2/1/59, no.3, KAB CSC 1/2/1/59, no.11, KAB CSC 1/2/1/59, no.6, KAB CSC 1/2/1/59, no.13, KAB CSC 1/2/1/59, no.6, KAB CSC 1/2/1/59, no.10 and KAB CSC 1/2/1/64, no.9.

²⁵⁸ KAB CSC 1/2/1/58, no.5, KAB CSC 1/2/1/59, no.21, KAB CSC 1/2/1/59, no.1, KAB CSC 1/2/1/59, no.2, KAB CSC 1/2/1/61, no.9, KAB CSC 1/2/1/61, no.11, KAB CSC 1/2/1/63, no.3 and KAB CSC 1/2/1/63, no.4.

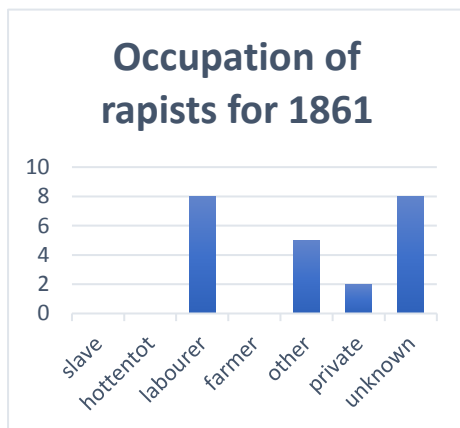
²⁵⁹ KAB CSC 1/2/1/63, no.2, KAB CSC 1/2/1/63, no.1, KAB CSC 1/2/1/63, no.4, KAB CSC 1/2/1/64, no.5., KAB CSC 1/2/1/64, no.11, KAB CSC 1/2/1/64, no.12, KAB CSC 1/2/1/64, no.21, KAB CSC 1/2/1/64, no.2, KAB CSC 1/2/1/65, Petrus, KAB CSC 1/2/1/65, no.2, KAB CSC 1/2/1/66, no.4, KAB CSC 1/2/1/66, no.11 and KAB CSC 1/2/1/66, no.27.



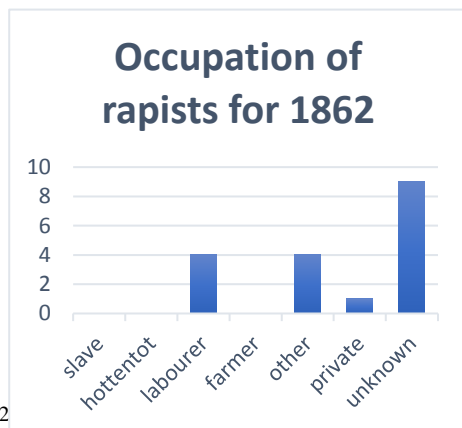
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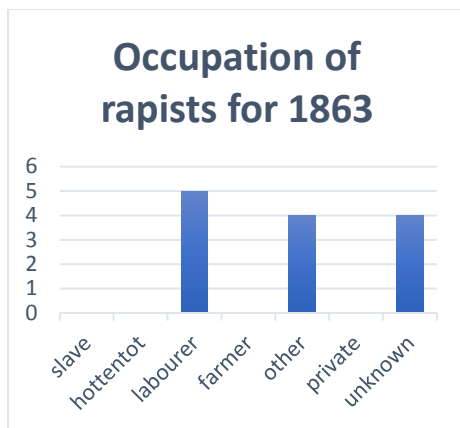
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²⁶⁰ KAB CSC 1/2/1/66, no.2, KAB CSC 1/2/1/67, no.1, KAB CSC 1/2/1/67, no.6, KAB CSC 1/2/1/67, no.4, KAB CSC 1/2/1/68, no.15, KAB CSC 1/2/1/68, no.14, KAB CSC 1/2/1/68, no.4, KAB CSC 1/2/1/68, no.2, KAB CSC 1/2/1/68, no.1, KAB CSC 1/2/1/68, no.6, KAB CSC 1/2/1/69, no.12, KAB CSC 1/2/1/69, no.13, KAB CSC 1/2/1/69, no.14, KAB CSC 1/2/1/70, no.12 and KAB CSC 1/2/1/71, no.1.

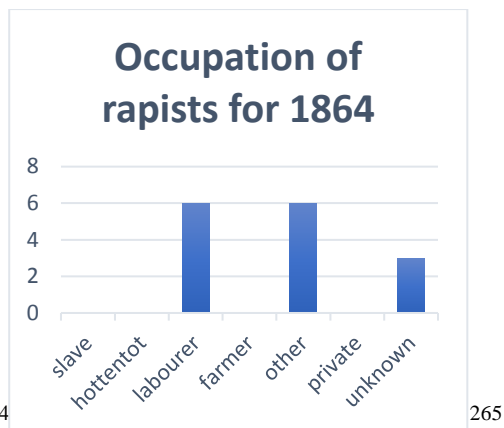
²⁶¹ KAB CSC 1/2/1/67, no.2, KAB CSC 1/2/1/67, no.13, KAB CSC 1/2/1/67, no.1, KAB CSC 1/2/1/67, no.5, KAB CSC 1/2/1/69, no.10, KAB CSC 1/2/1/69, no.12, KAB CSC 1/2/1/69, no.4, KAB CSC 1/2/1/69, no.9, KAB CSC 1/2/1/70, no.5, KAB CSC 1/2/1/69, no.11, KAB CSC 1/2/1/70, no.2, KAB CSC 1/2/1/70, no.4, KAB CSC 1/2/1/70, no.6, KAB CSC 1/2/1/70, no.2, KAB CSC 1/2/1/71, no.4, KAB CSC 1/2/1/71, no.2, KAB CSC 1/2/1/71, no.1, KAB CSC 1/2/1/71, no.6, KAB CSC 1/2/1/71, no.7, KAB CSC 1/2/1/71, no.1, KAB CSC 1/2/1/71, no.4, KAB CSC 1/2/1/71, no.6 and KAB CSC 1/2/1/71, no.5.

²⁶² KAB CSC 1/2/1/67, no.1, KAB CSC 1/2/1/71, no.2, KAB CSC 1/2/1/71, no.12, KAB CSC 1/2/1/71, no.5, KAB CSC 1/2/1/71, no.6, KAB CSC 1/2/1/71, no.8, KAB CSC 1/2/1/72, no.7, KAB CSC 1/2/1/72, no.8, KAB CSC 1/2/1/72, no.7, KAB CSC 1/2/1/72, no.13, KAB CSC 1/2/1/72, no.8, KAB CSC 1/2/1/73, no.15, KAB CSC 1/2/1/73, no.12, KAB CSC 1/2/1/73, no.12, KAB CSC 1/2/1/73, no.2, KAB CSC 1/2/1/73, no.24, KAB CSC 1/2/1/73, no.4, KAB CSC 1/2/1/74, no.13 and KAB CSC 1/2/1/84, Dampie.

²⁶³ KAB CSC 1/2/1/73, no.16, KAB CSC 1/2/1/73, no.23, KAB CSC 1/2/1/73, no.1, KAB CSC 1/2/1/73, no.2, KAB CSC 1/2/1/73, no.11, KAB CSC 1/2/1/75, no.7, KAB CSC 1/2/1/75, no.8, KAB CSC 1/2/1/75, no.46, KAB CSC 1/2/1/75, no.7, KAB CSC 1/2/1/75, no.8, KAB CSC 1/2/1/75, no.4, KAB CSC 1/2/1/76, no.6 and KAB CSC 1/2/1/76, no.12.



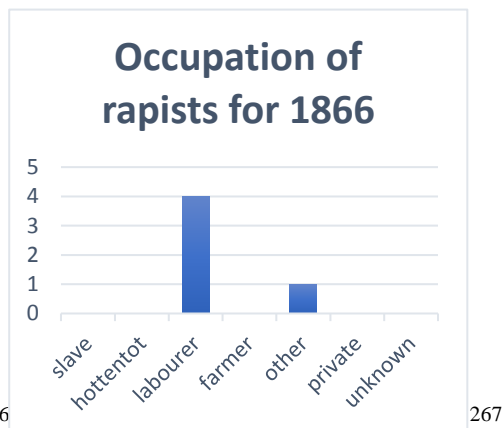
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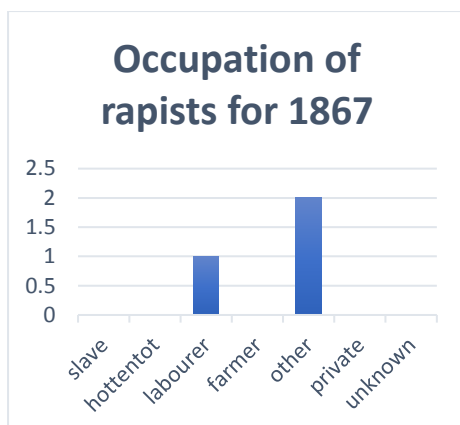
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²⁶⁴ KAB CSC 1/2/1/73, no.16, KAB CSC 1/2/1/73, no.23, KAB CSC 1/2/1/73, no.1, KAB CSC 1/2/1/73, no.2, KAB CSC 1/2/1/73, no.11, KAB CSC 1/2/1/75, no.7, KAB CSC 1/2/1/75, no.8, KAB CSC 1/2/1/75, no.46, KAB CSC 1/2/1/75, no.7, KAB CSC 1/2/1/75, no.8, KAB CSC 1/2/1/75, no.4, KAB CSC 1/2/1/76, no.6 and KAB CSC 1/2/1/76, no.12.

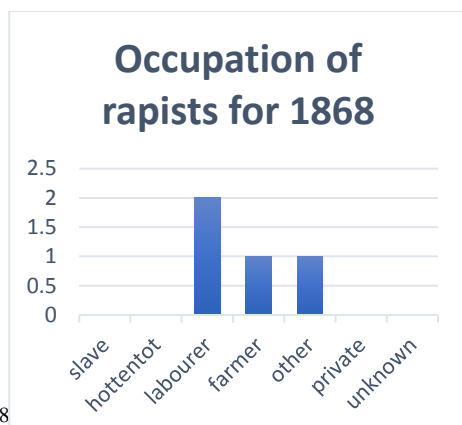
²⁶⁵ KAB CSC 1/2/1/76, no.12, KAB CSC 1/2/1/76, no.8, KAB CSC 1/2/1/76, no.8, KAB CSC 1/2/1/76, no.7, KAB CSC 1/2/1/76, no.17, KAB CSC 1/2/1/77, no.5, KAB CSC 1/2/1/77, no.4, KAB CSC 1/2/1/77, no.8, KAB CSC 1/2/1/77, no.12, KAB CSC 1/2/1/77, no.17, KAB CSC 1/2/1/77, no.13, KAB CSC 1/2/1/78, no.6, KAB CSC 1/2/1/78, no.5, KAB CSC 1/2/1/78, no.6 and KAB CSC 1/2/1/78, no.8.

²⁶⁶ KAB CSC 1/2/1/77, no.8, KAB CSC 1/2/1/78, no.5, KAB CSC 1/2/1/78, no.8, KAB CSC 1/2/1/78, no.8, KAB CSC 1/2/1/78, no.3, KAB CSC 1/2/1/78, no.2, KAB CSC 1/2/1/79, no.6, KAB CSC 1/2/1/79, no.19, KAB CSC 1/2/1/79, no.14, KAB CSC 1/2/1/79, no.5, KAB CSC 1/2/1/79, no.8, KAB CSC 1/2/1/81, no.10 and KAB CSC 1/2/1/80, no.10.

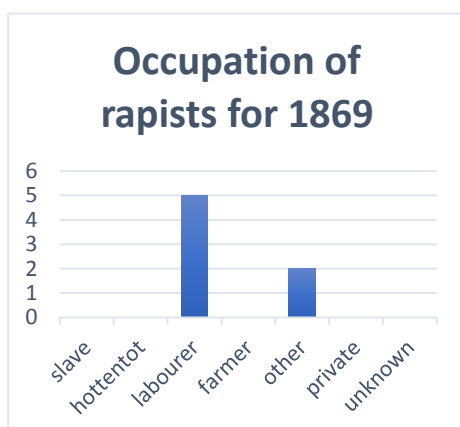
²⁶⁷ KAB CSC 1/2/1/82, no.11, KAB CSC 1/2/1/82, no.19, KAB CSC 1/2/1/82, no.16, KAB CSC 1/2/1/82, no.1 and KAB CSC 1/2/1/84, Michiel.



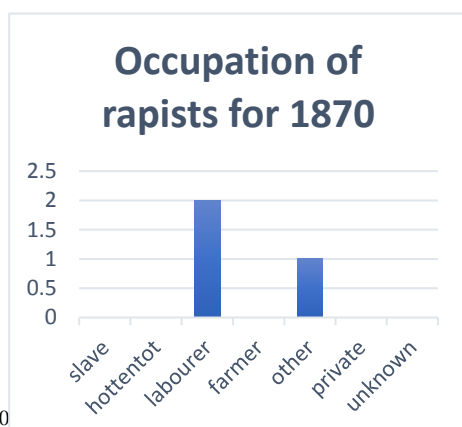
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²⁶⁸ KAB CSC 1/2/1/83, no.14, KAB CSC 1/2/1/83, no.12 and KAB CSC 1/2/1/86, no.12

²⁶⁹ KAB CSC 1/2/1/84, Patrick, KAB CSC 1/2/1/84, no.4, KAB CSC 1/2/1/84, no.11 and KAB CSC 1/2/1/85, no.3.

²⁷⁰ KAB CSC 1/2/1/85, no.1, KAB CSC 1/2/1/85, no.2, KAB CSC 1/2/1/85, no.1, KAB CSC 1/2/1/85, no.4, KAB CSC 1/2/1/85, no.1, KAB CSC 1/2/1/85, no.3 and KAB CSC 1/2/1/86, no.7.

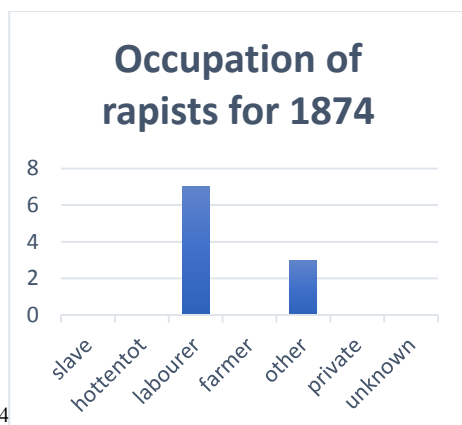
²⁷¹ KAB CSC 1/2/1/86, no.9, KAB CSC 1/2/1/86, no.3 and KAB CSC 1/2/1/86, no.3.

²⁷² ²⁷² KAB CSC 1/2/1/86, no.3, KAB CSC 1/2/1/86, no.4, KAB CSC 1/2/1/86, no.3, KAB CSC 1/2/1/86, no.5, KAB CSC 1/2/1/86, no.5, KAB CSC 1/2/1/87, no.1 and KAB CSC 1/2/1/92, no.2.

²⁷³ KAB CSC 1/2/1/87, no.1, KAB CSC 1/2/1/87, no.4, KAB CSC 1/2/1/87, no.5, KAB CSC 1/2/1/88, no.4, KAB CSC 1/2/1/88, no.6, KAB CSC 1/2/1/88, no.2 and KAB CSC 1/2/1/88, no.14.



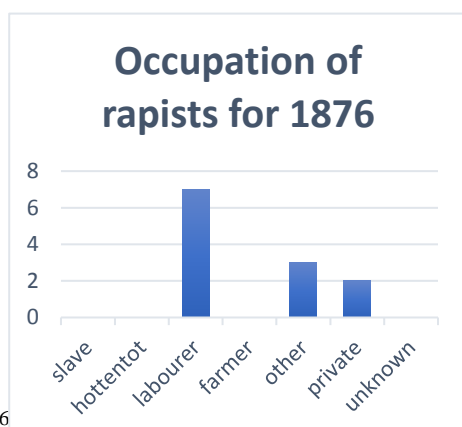
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²⁷⁴ KAB CSC 1/2/1/88, no.6, KAB CSC 1/2/1/88, no.16, KAB CSC 1/2/1/88, no.11, KAB CSC 1/2/1/88, no.12, KAB CSC 1/2/1/88, no.13, KAB CSC 1/2/1/88, no.2, KAB CSC 1/2/1/88, no.6 and KAB CSC 1/2/1/89, no.6.

²⁷⁵ KAB CSC 1/2/1/89, no.1, KAB CSC 1/2/1/89, no.1, KAB CSC 1/2/1/89, no.4, KAB CSC 1/2/1/89, no.3, KAB CSC 1/2/1/89, no.4, KAB CSC 1/2/1/89, no.6, KAB CSC 1/2/1/89, no.12, KAB CSC 1/2/1/89, no.1, KAB CSC 1/2/1/89, no.4 and KAB CSC 1/2/1/89, no.1.

²⁷⁶ KAB CSC 1/2/1/90, no.13, KAB CSC 1/2/1/90, no.3, KAB CSC 1/2/1/91, no.4, KAB CSC 1/2/1/91, no.3, KAB CSC 1/2/1/91, no.16, KAB CSC 1/2/1/91, no.2, KAB CSC 1/2/1/91, no.12 and KAB CSC 1/2/1/93, no.4

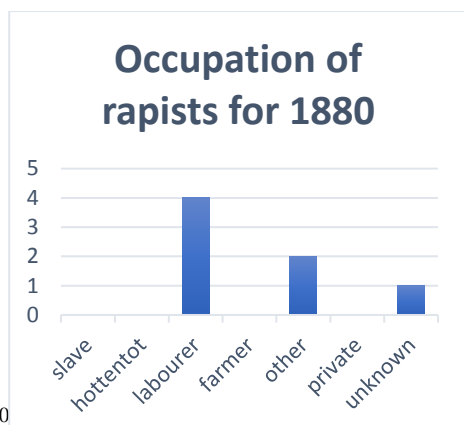
²⁷⁷ KAB CSC 1/2/1/91, no. 1, KAB CSC 1/2/1/91, no.4, KAB CSC 1/2/1/91, no.3, KAB CSC 1/2/1/91, no.4, KAB CSC 1/2/1/91, no.5, KAB CSC 1/2/1/91, no.6, KAB CSC 1/2/1/91, no.7, KAB CSC 1/2/1/92, no.4, KAB CSC 1/2/1/92, no.5, KAB CSC 1/2/1/92, no.1, KAB CSC 1/2/1/92, no.2, KAB CSC 1/2/1/92, no.3 and KAB CSC 1/2/1/92, no.6.

²⁷⁸ KAB CSC 1/2/1/92, no.1, KAB CSC 1/2/1/92, no.3, KAB CSC 1/2/1/92, no.7, KAB CSC 1/2/1/92, no.9, KAB CSC 1/2/1/92, no.13 and KAB CSC 1/2/1/93, no.1

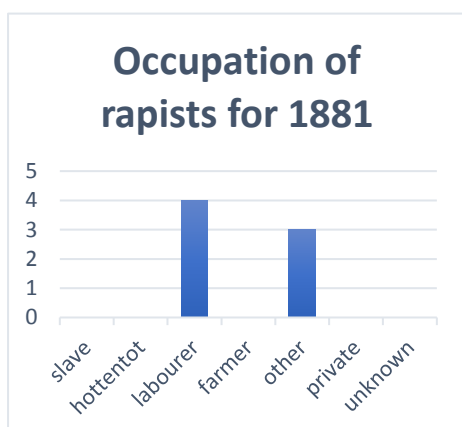
²⁷⁹ KAB CSC 1/2/1/93, no.4, KAB CSC 1/2/1/93, no.2, KAB CSC 1/2/1/93, no.7, KAB CSC 1/2/1/93, no.3 and KAB CSC 1/2/1/94, no.4.



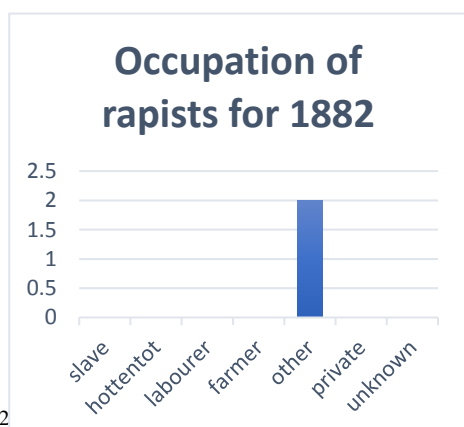
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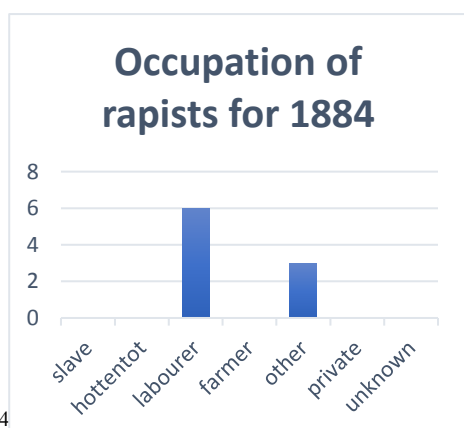
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²⁸⁰ KAB CSC 1/2/1/94, no.2, KAB CSC 1/2/1/94, no.5, KAB CSC 1/2/1/95, no.5, KAB CSC 1/2/1/95, no.7, KAB CSC 1/2/1/95, no.8, KAB CSC 1/2/1/95, no.9, KAB CSC 1/2/1/95, no.7 and KAB CSC 1/2/1/95, no.3.

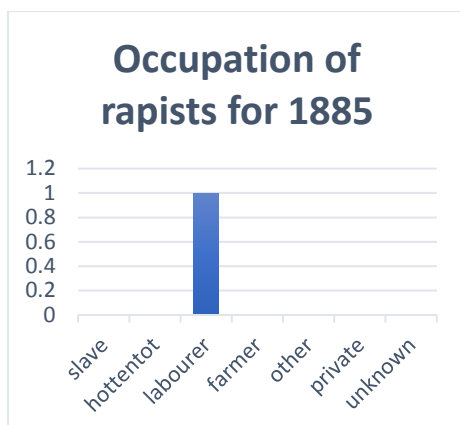
²⁸¹ KAB CSC 1/2/1/95, no.6, KAB CSC 1/2/1/95, no.2, KAB CSC 1/2/1/95, no.3, KAB CSC 1/2/1/96, no.5, KAB CSC 1/2/1/96, no.1, KAB CSC 1/2/1/96, no.3 and KAB CSC 1/2/1/97, no.3.

²⁸² KAB CSC 1/2/1/96, no.1, KAB CSC 1/2/1/96, no.3, KAB CSC 1/2/1/96, no.7, KAB CSC 1/2/1/96, no.1, KAB CSC 1/2/1/97, no.3, KAB CSC 1/2/1/97, no.2 and KAB CSC 1/2/1/97, no.3.

²⁸³ KAB CSC 1/2/1/97, no.2, KAB CSC 1/2/1/97, no.4 and KAB CSC 1/2/1/97, no.1.

²⁸⁴ KAB CSC 1/2/1/98, no.3, KAB CSC 1/2/1/98, no.5, KAB CSC 1/2/1/95, no.4, KAB CSC 1/2/1/98, no.5, KAB CSC 1/2/1/98, no.1, KAB CSC 1/2/1/99, no.7 and KAB CSC 1/2/1/99, no.1.

²⁸⁵ KAB CSC 1/2/1/99, no.2, KAB CSC 1/2/1/99, no.3, KAB CSC 1/2/1/99, no.2, KAB CSC 1/2/1/99, no.6, KAB CSC 1/2/1/99, no.6, KAB CSC 1/2/1/99, no.1, KAB CSC 1/2/1/99, no.9, KAB CSC 1/2/1/100, no.1 and KAB CSC 1/2/1/100, no.2.



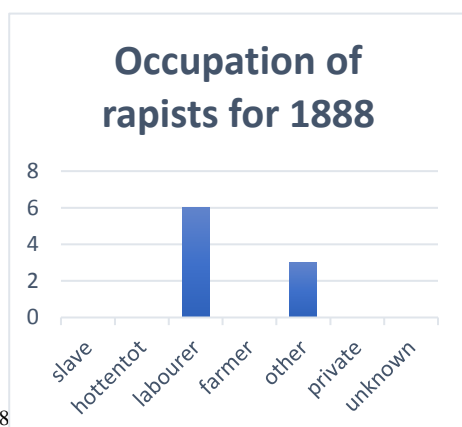
286



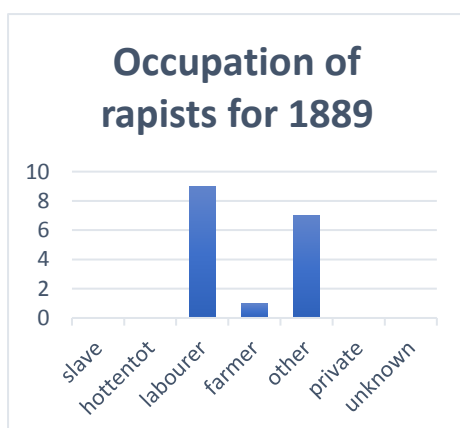
287



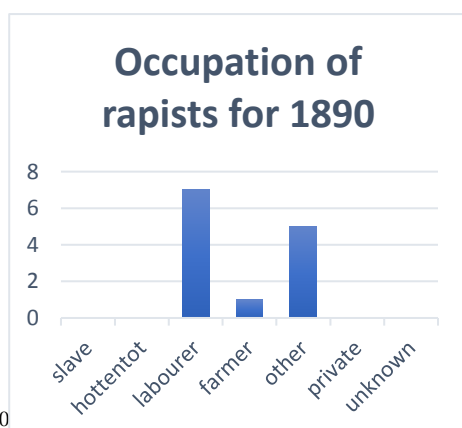
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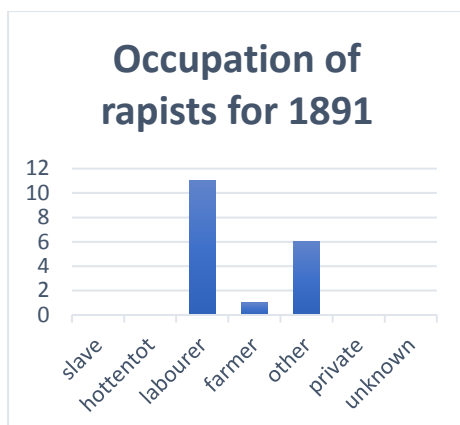
²⁸⁶ KAB CSC 1/2/1/100, no.3.

²⁸⁷ KAB CSC 1/2/1/101, no.5, KAB CSC 1/2/1/101, no.1, KAB CSC 1/2/1/101, no.3, KAB CSC 1/2/1/102, no.5, KAB CSC 1/2/1/102, no.4 and KAB CSC 1/2/1/102, no.3.

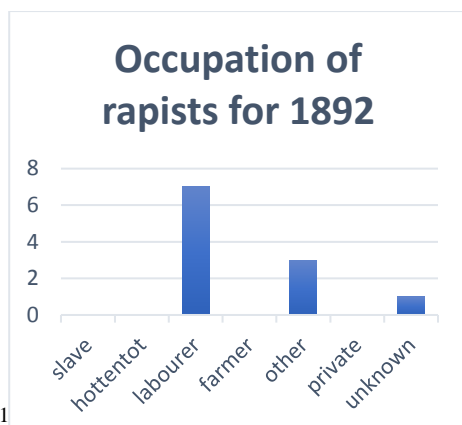
²⁸⁸ KAB CSC 1/2/1/102, no.2, KAB CSC 1/2/1/102, no.4, KAB CSC 1/2/1/102, no.2, KAB CSC 1/2/1/103, no.1, KAB CSC 1/2/1/103, no.5 and KAB CSC 1/2/1/103, no.5.

²⁸⁹ KAB CSC 1/2/1/103, no.5, KAB CSC 1/2/1/103, no.5, KAB CSC 1/2/1/103, no.7, KAB CSC 1/2/1/103, no.8, KAB CSC 1/2/1/103, no.4, KAB CSC 1/2/1/103, no.6, KAB CSC 1/2/1/104, no.2, KAB CSC 1/2/1/104, no.3 and KAB CSC 1/2/1/104, no.3.

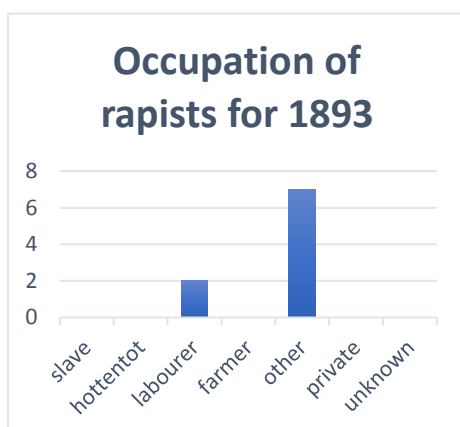
²⁹⁰ KAB CSC 1/2/1/104, no.1, KAB CSC 1/2/1/104, no.2, KAB CSC 1/2/1/104, no.2, KAB CSC 1/2/1/104, no.1, KAB CSC 1/2/1/104, no.5, KAB CSC 1/2/1/104, no.6, KAB CSC 1/2/1/104, no.3, KAB CSC 1/2/1/104, no.1, KAB CSC 1/2/1/104, no.2, KAB CSC 1/2/1/104, no.2, KAB CSC 1/2/1/104, no.1, KAB CSC 1/2/1/104, no.7, KAB CSC 1/2/1/105, no.6, KAB CSC 1/2/1/105, no.5, KAB CSC 1/2/1/105, no.1, KAB CSC 1/2/1/105, no.6, KAB CSC 1/2/1/105, no.1 and KAB CSC 1/2/1/105, no.2



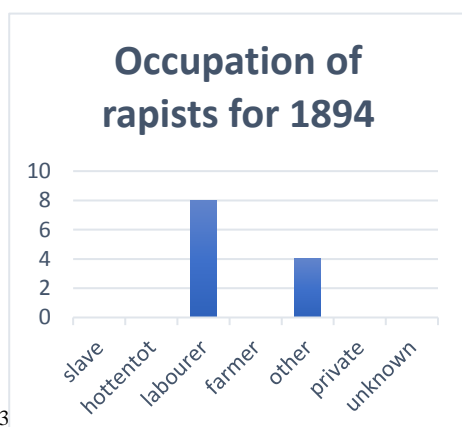
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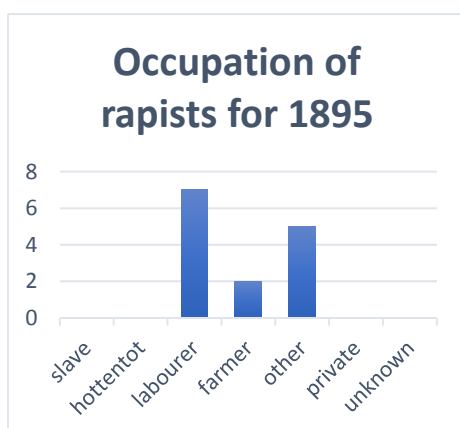
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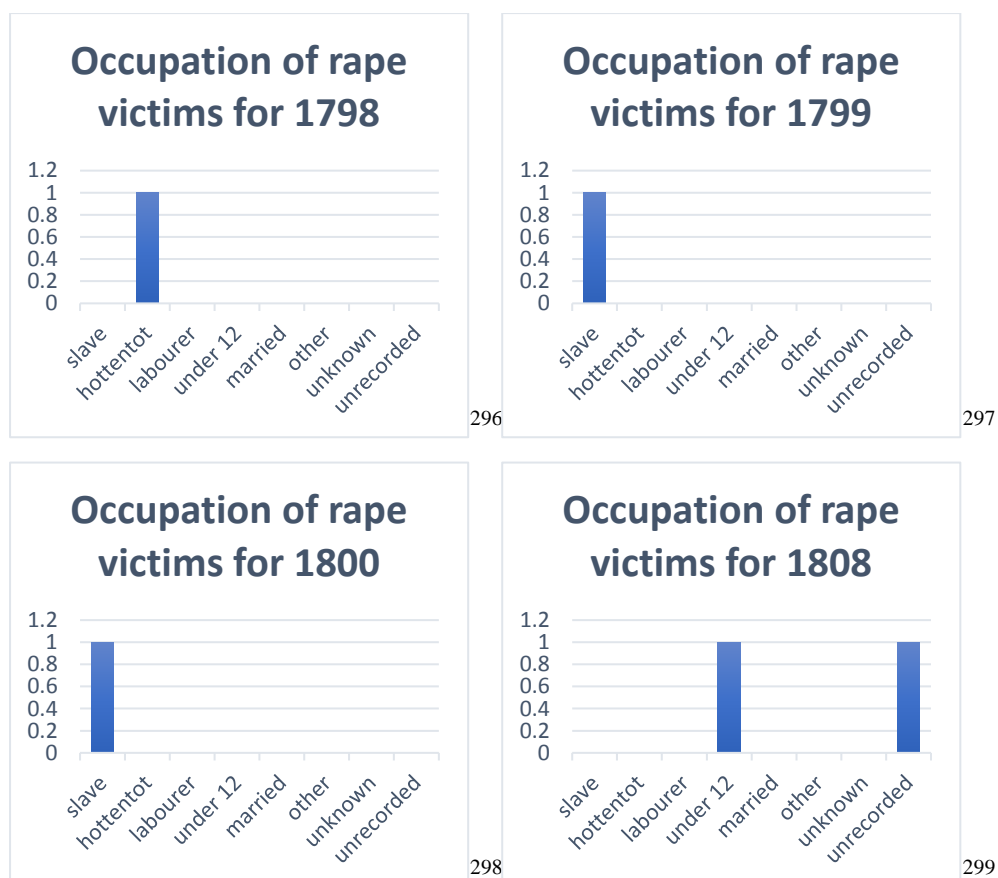
²⁹¹ KAB CSC 1/2/1/106, no.10, KAB CSC 1/2/1/107, no.4, KAB CSC 1/2/1/107, no.1, KAB CSC 1/2/1/107, no.1, KAB CSC 1/2/1/107, no.4, KAB CSC 1/2/1/107, no.1, KAB CSC 1/2/1/107, no.3, KAB CSC 1/2/1/107, no.5, KAB CSC 1/2/1/107, no.8, KAB CSC 1/2/1/107, no.13, KAB CSC 1/2/1/107, no.20, KAB CSC 1/2/1/107, no.3, KAB CSC 1/2/1/107, no.6, KAB CSC 1/2/1/107, no.6, KAB CSC 1/2/1/107, no.8, KAB CSC 1/2/1/107, no.9 and KAB CSC 1/2/1/108, no.5.

²⁹² KAB CSC 1/2/1/108, no.1, KAB CSC 1/2/1/109, no.6, KAB CSC 1/2/1/109, no.1, KAB CSC 1/2/1/110, no.6, KAB CSC 1/2/1/110, Esau, KAB CSC 1/2/1/110, no.2, KAB CSC 1/2/1/110, no.5, KAB CSC 1/2/1/110, no.8, KAB CSC 1/2/1/110, no.12, KAB CSC 1/2/1/110, no.16 and KAB CSC 1/2/1/111, no.11.

²⁹³ KAB CSC 1/2/1/110, no.17, KAB CSC 1/2/1/110, no.2, KAB CSC 1/2/1/111, no.14, KAB CSC 1/2/1/111, no.1, KAB CSC 1/2/1/112, no.2, KAB CSC 1/2/1/112, no.9, KAB CSC 1/2/1/112, no.3, KAB CSC 1/2/1/112, no.4, and KAB CSC 1/2/1/112, no.13.

²⁹⁴ KAB CSC 1/2/1/112, no.8, KAB CSC 1/2/1/112, no.10, KAB CSC 1/2/1/113, no.3, KAB CSC 1/2/1/113, no.4, KAB CSC 1/2/1/113, no.9, KAB CSC 1/2/1/113, no.3, KAB CSC 1/2/1/113, no.2, KAB CSC 1/2/1/113,

8.5 Occupation of rape victims from the Court of Justice and Cape Supreme Court Records



no.3, KAB CSC 1/2/1/113, no.14, KAB CSC 1/2/1/113, no.15, KAB CSC 1/2/1/114, no.9 and KAB CSC 1/2/1/113, no.11.

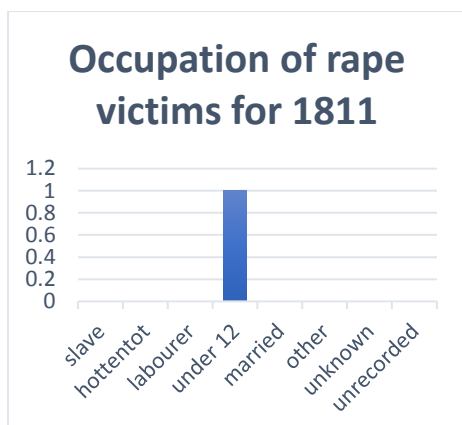
²⁹⁵ KAB CSC 1/2/1/114, no.1, KAB CSC 1/2/1/114, no.2, KAB CSC 1/2/1/114, no.24, KAB CSC 1/2/1/114, no.6, KAB CSC 1/2/1/114, no.1, KAB CSC 1/2/1/114, no.1, KAB CSC 1/2/1/114, no.5, KAB CSC 1/2/1/115, no.8, KAB CSC 1/2/1/115, no.2, KAB CSC 1/2/1/115, no.1, KAB CSC 1/2/1/115, no.1, KAB CSC 1/2/1/115, no.3, KAB CSC 1/2/1/115, no.8 and KAB CSC 1/2/1/115, no.3.

²⁹⁶ KAB CJ 797, case 409, Paul of Mozambique.

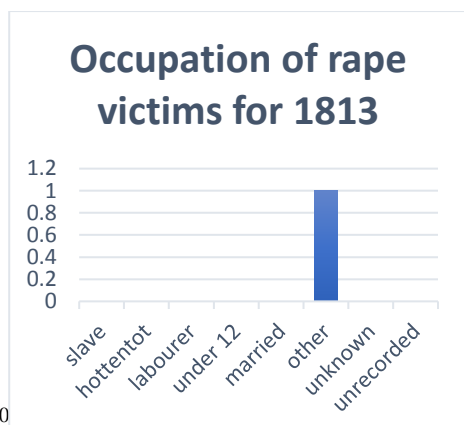
²⁹⁷ KAB CJ 789, Isaak of the Cape, p.85.

²⁹⁸ KAB CJ 798, August of Mozambique, p.249.

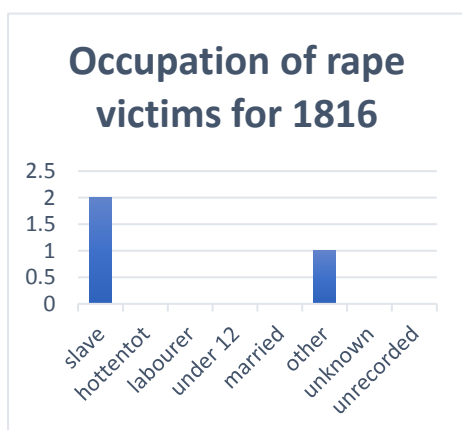
²⁹⁹ KAB CJ 803, p.545. and KAB CJ 805, pp.573-587



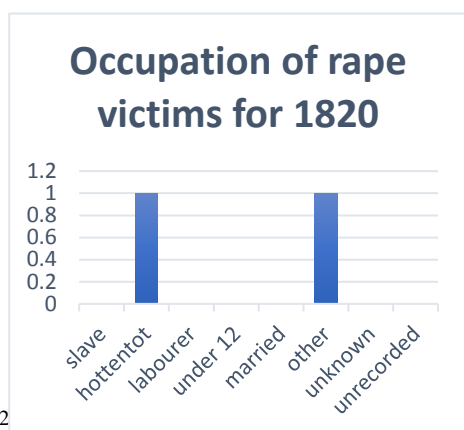
300



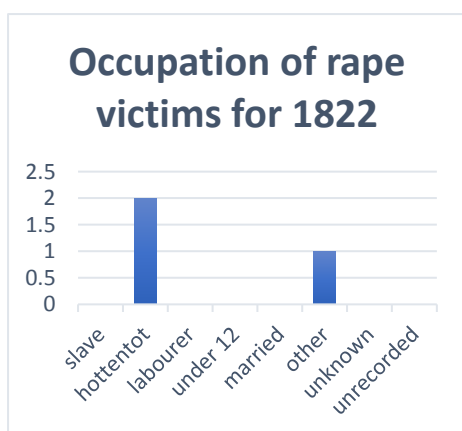
301



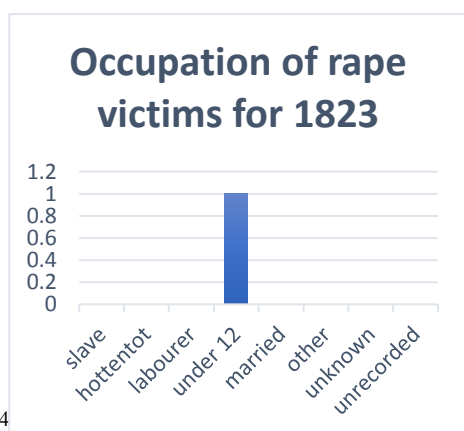
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³⁰⁰ KAB CJ 804, p.11.

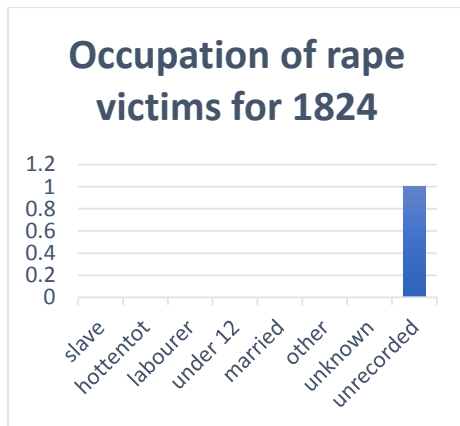
³⁰¹ KAB CJ 805, pp. 682-659.

³⁰² KAB CJ 809, no. 25, KAB CJ 809, no.28 and KAB CJ 812, no.36.

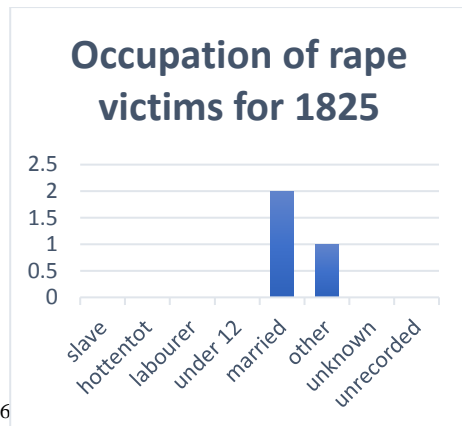
³⁰³ KAB CJ 814, no.6 and KAB CJ 814, pp. 447-455.

³⁰⁴ KAB CJ 815, pp. 42-54.

³⁰⁵ KAB CJ 816, pp. 114-127, KAB CJ 816, pp.813-818 and KAB CJ 816, pp. 1071-1081



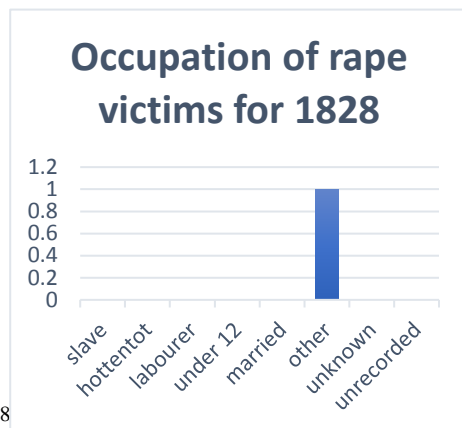
306



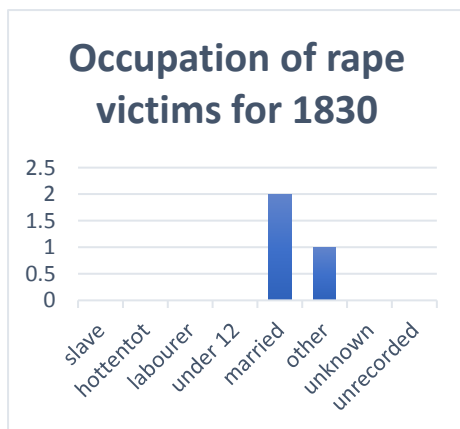
307



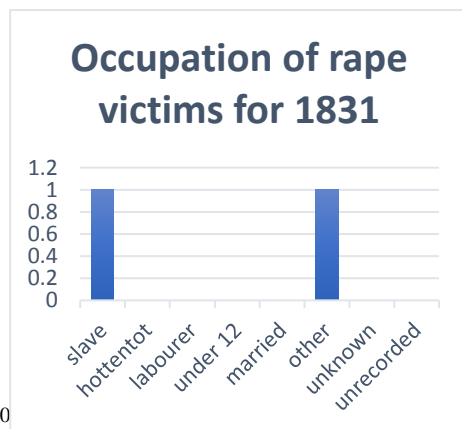
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³⁰⁶ KAB CJ, pp. 540-551.

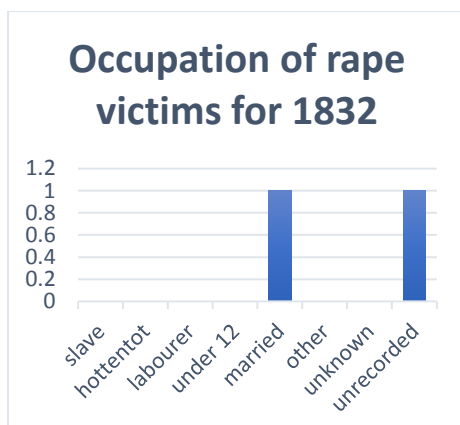
³⁰⁷ KAB CJ 818, pp. 269-280.

³⁰⁸ KAB CJ 819, pp. 54-61, KAB CJ 819, pp. 124-133 and KAB CJ 819, pp. 668-682.

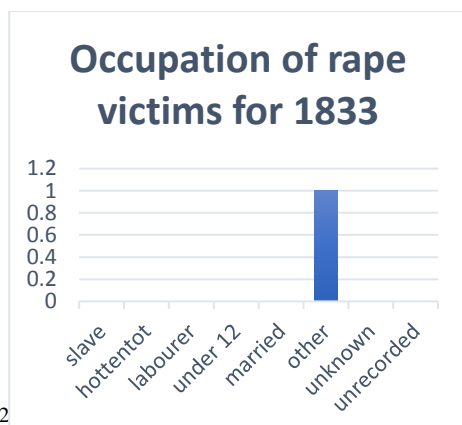
³⁰⁹ KAB CJ 820, no.17 and KAB CJ 820, no.31.

³¹⁰ KAB CSC 1/1/1/1, no.6.

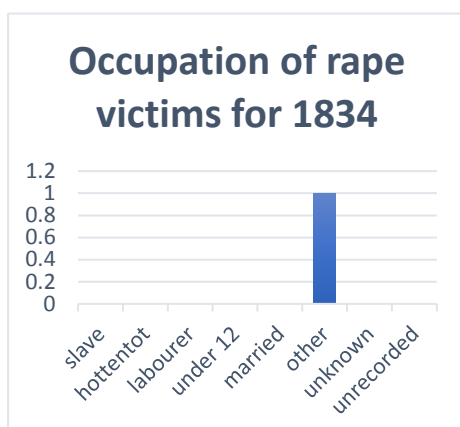
³¹¹ KAB CSC 1/1/1/3, Adonis and KAB CSC 1/1/1/3, Charles.



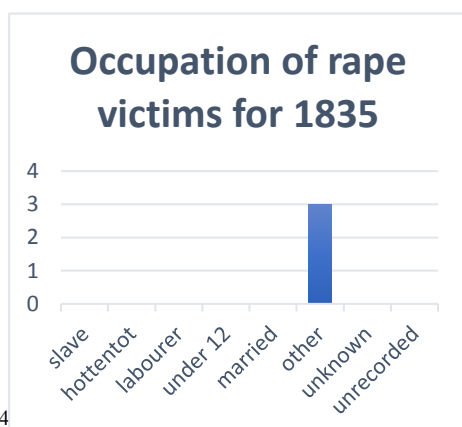
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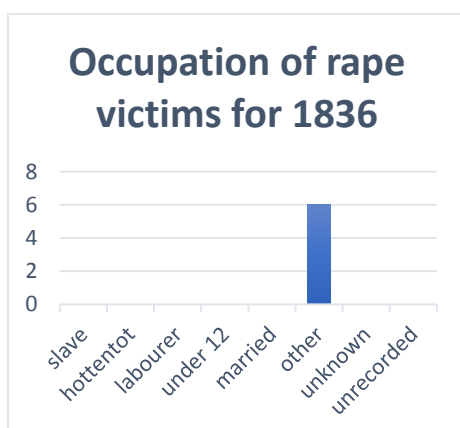
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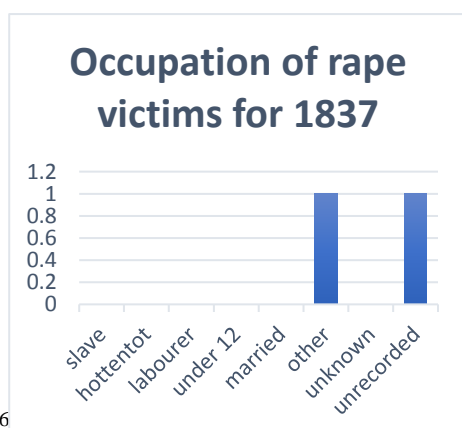
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³¹² KAB CSC 1/1/1/4, no.11 and KAB CSC 1/1/1/4, no.11.

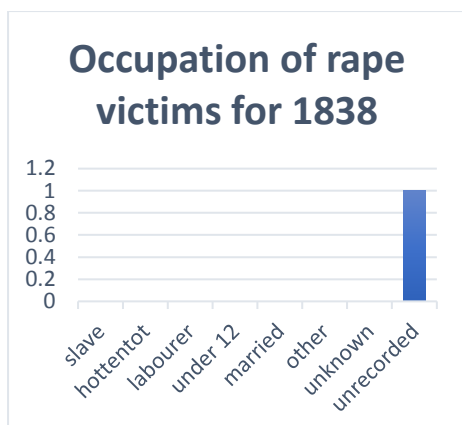
³¹³ KAB CSC 1/1/1/5, no.8 and KAB CSC 1/1/1/4, no.6

³¹⁴ KAB CSC 1/1/1/7, no.8.

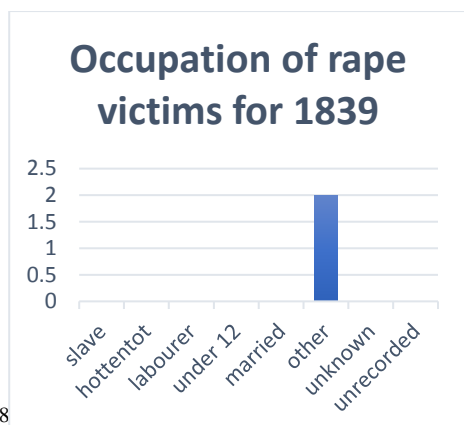
³¹⁵ KAB CSC 1/1/1/7, no.1

³¹⁶ KAB CSC 1/1/1/8, no.4. and KAB CSC 1/1/1/9, no.8

³¹⁷ KAB CSC 1/1/1/9, no.3., KAB CSC 1/1/1/9, no.7, KAB CSC 1/1/1/9, no.3, KAB CSC 1/1/1/9, no.11, KAB CSC 1/1/1/9, no.12 and KAB CSC 1/1/1/10, no.2.



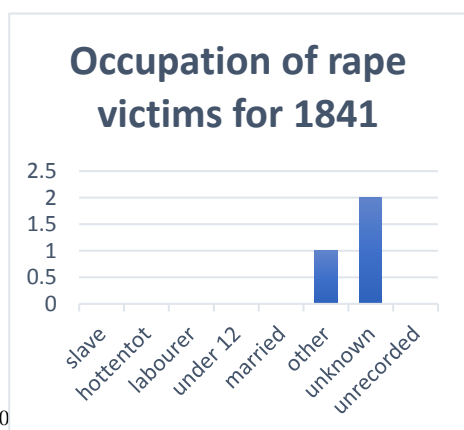
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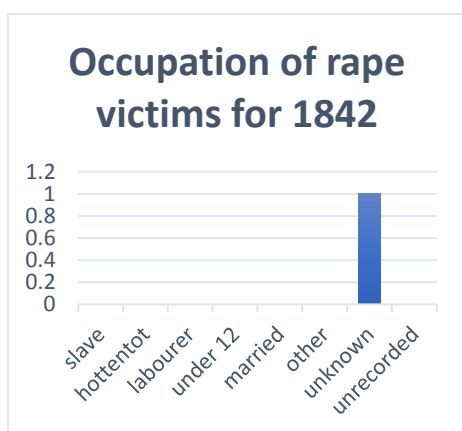
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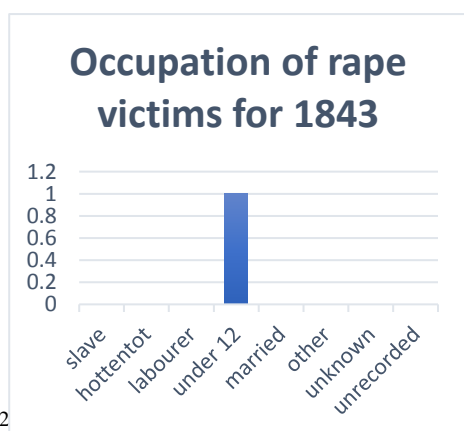
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³¹⁸ KAB CSC 1/1/10,no.2 and KAB CSC 1/1/10, Hamet.

³¹⁹ KAB CSC 1/1/10, no.3.

³²⁰ KAB CSC 1/1/10, no.1 and KAB CSC 1/1/11, no.6

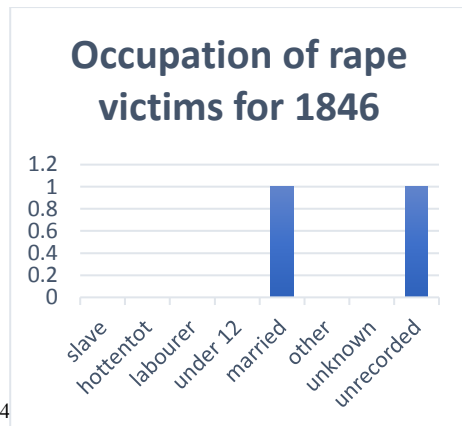
³²¹ KAB CSC 1/1/11, Azor and KAB CSC 1/1/11, Joseph and Piet.

³²² KAB CSC 1/1/11, no.5, KAB CSC 1/1/12, no.9 and KAB CSC 1/1/12, no. 11.

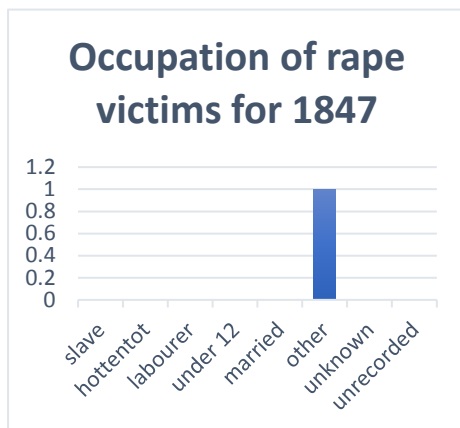
³²³ KAB CSC 1/1/12, no.10.



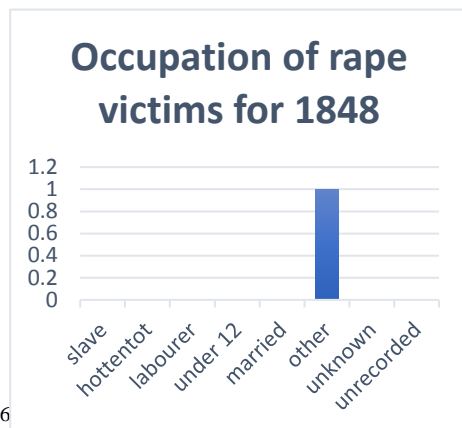
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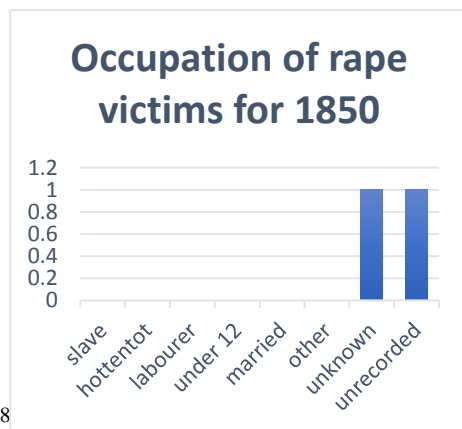
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³²⁴ KAB CSC 1/1/12, no.8.

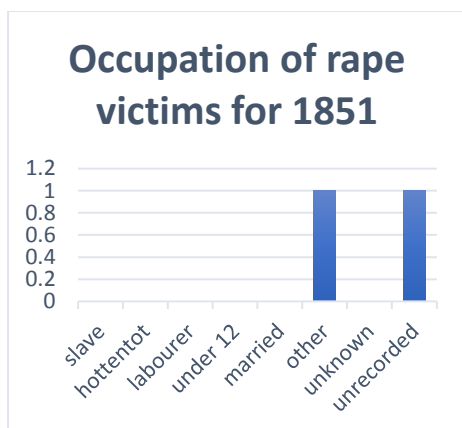
³²⁵ KAB CSC 1/1/13, no.6.

³²⁶ KAB CSC 1/1/13, no.5 and KAB CSC 1/1/13, no.5.

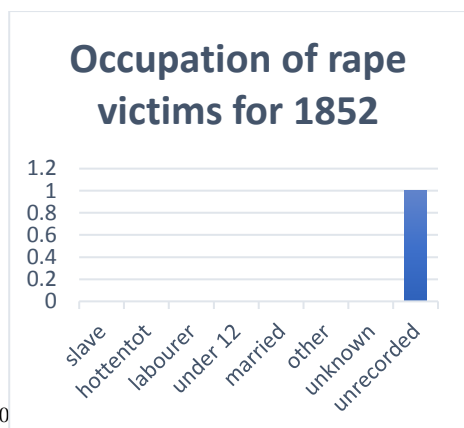
³²⁷ KAB CSC 1/1/13, no.1.

³²⁸ KAB CSC 1/1/13, no.2.

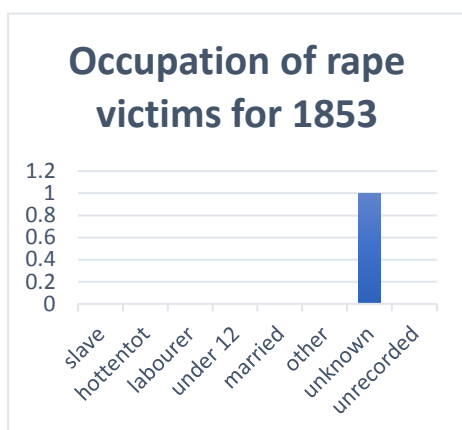
³²⁹ KAB CSC 1/1/14, no.2.



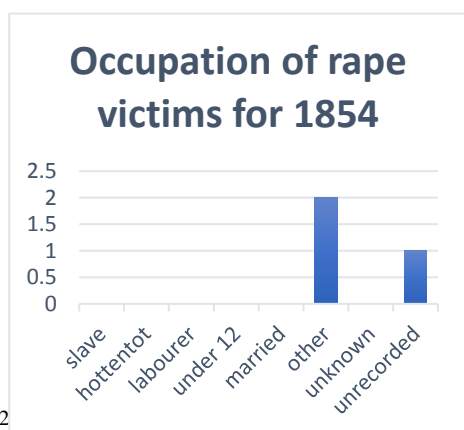
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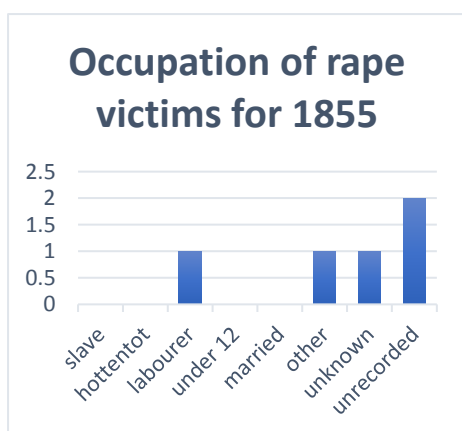
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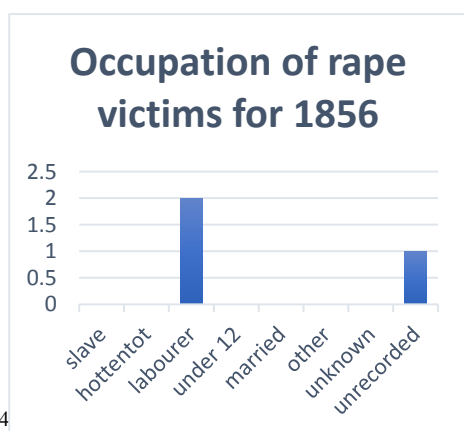
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³³⁰ KAB CSC 1/1/14, no.13 and KAB CSC 1/1/15, no.2.

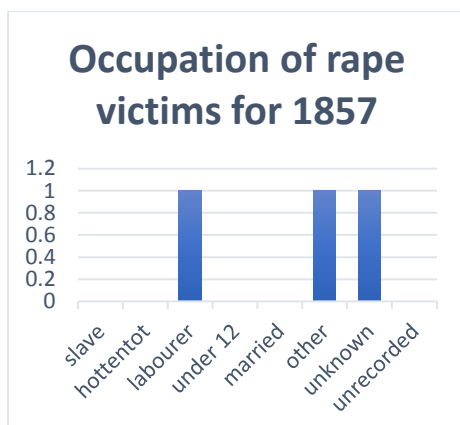
³³¹ KAB CSC 1/1/16, no.7 and KAB CSC 1/1/16, no.8.

³³² KAB CSC 1/1/16, no.7.

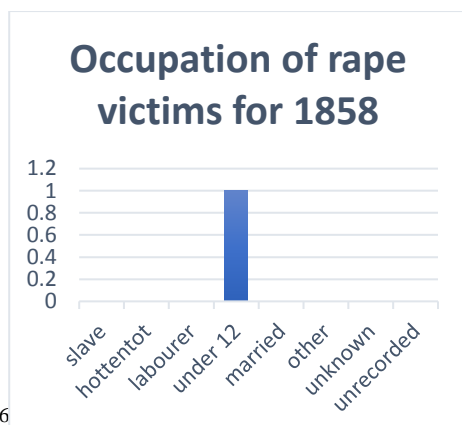
³³³ KAB CSC 1/1/16, no.6.

³³⁴ KAB CSC 1/1/16, no.12, KAB CSC 1/1/16, no.3 and KAB CSC 1/1/16, no.9.

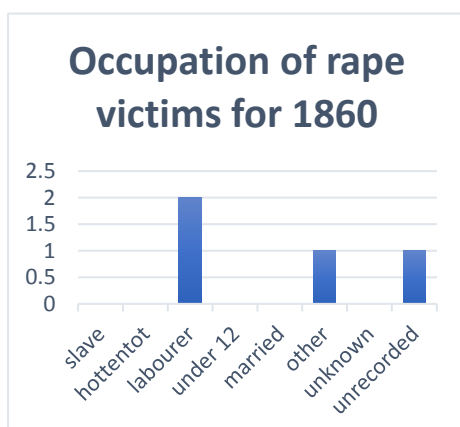
³³⁵ KAB CSC 1/1/16, no.6, KAB CSC 1/1/16, no.1, KAB CSC 1/1/16, no.7 and KAB CSC 1/1/17, no.4.



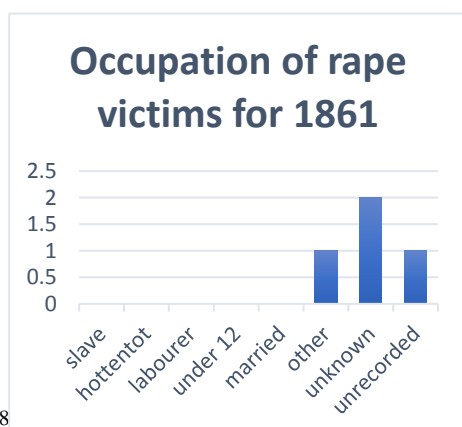
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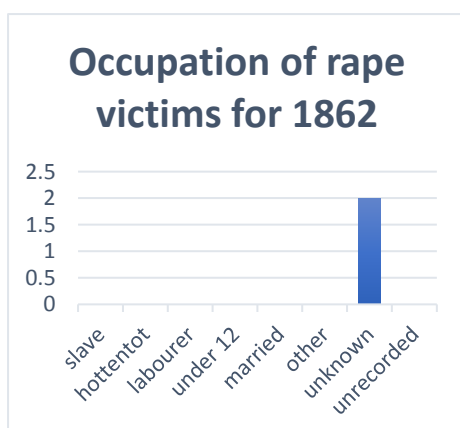
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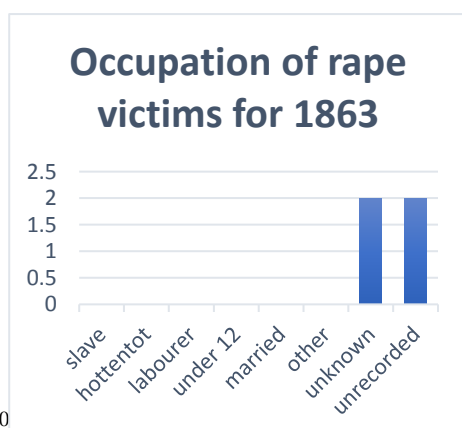
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³³⁶ KAB CSC 1/1/17, no.7, KAB CSC 1/1/17, no.4 and KAB CSC 1/1/17, no.3.

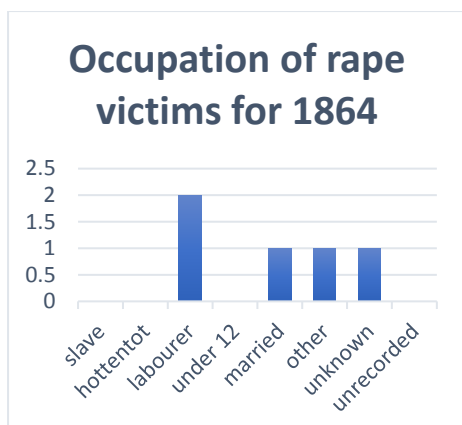
³³⁷ KAB CSC 1/1/17, no.3, KAB CSC 1/1/17, no.9 and KAB CSC 1/1/17, no.2.

³³⁸ KAB CSC 1/1/17, no.4.

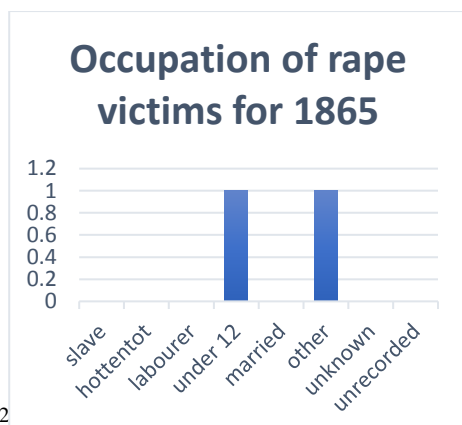
³³⁹ KAB CSC 1/1/18, no.9, KAB CSC 1/1/18, no.14, KAB CSC 1/1/18, no.3 and KAB CSC 1/1/18, no.2.

³⁴⁰ KAB CSC 1/1/18, no.6, KAB CSC 1/1/18, no.6 and KAB CSC 1/1/18, no.15.

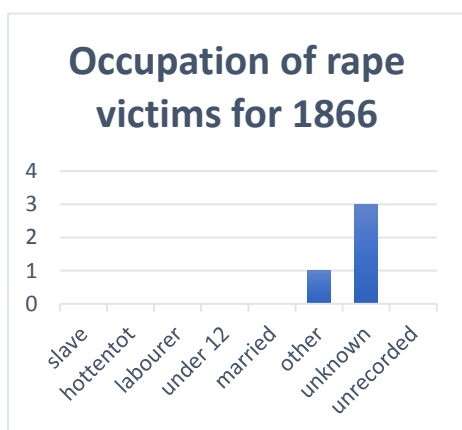
³⁴¹ KAB CSC 1/1/18, no.7 and KAB CSC 1/1/18, no.13.



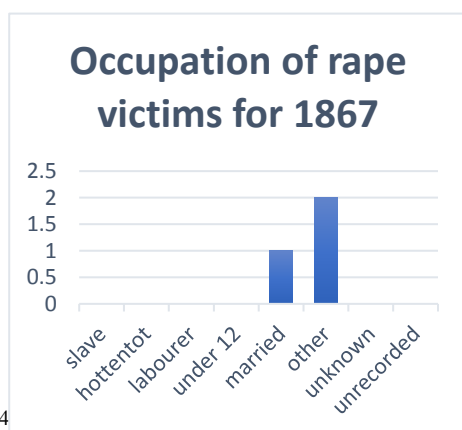
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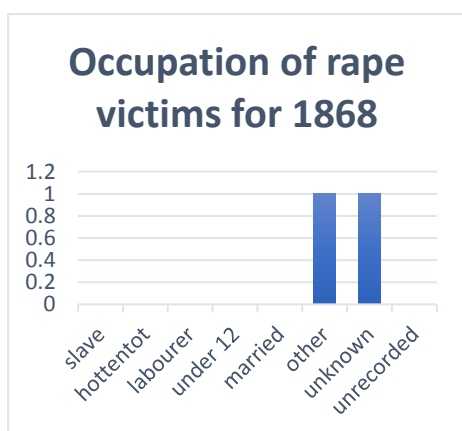
343



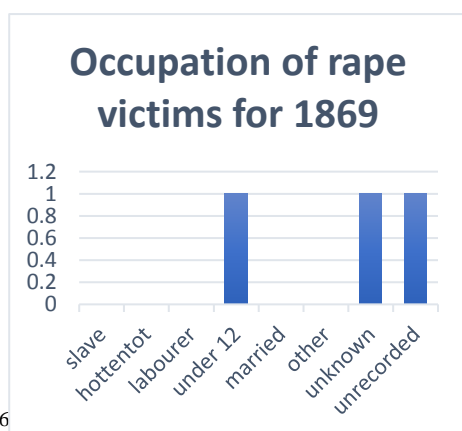
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³⁴² KAB CSC 1/1/19, no.2, KAB CSC 1/1/19, no.8, KAB CSC 1/1/19, no.21 and KAB CSC 1/1/19, no.8

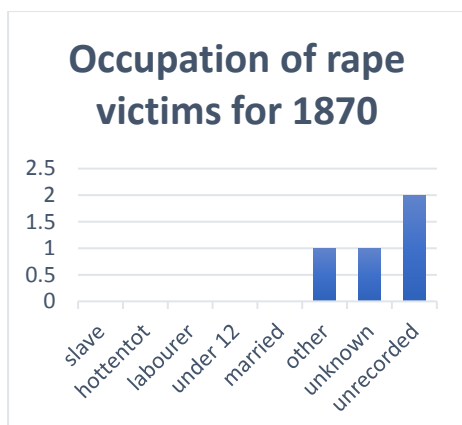
³⁴³ KAB CSC 1/1/19, no.10, KAB CSC 1/1/19, no.11, KAB CSC 1/1/19, no.5, KAB CSC 1/1/19, no.8, KAB CSC 1/1/19, no.14 and KAB CSC 1/1/20, no.15

³⁴⁴ KAB CSC 1/1/20, no.12, KAB CSC 1/1/20, no.6 and KAB CSC 1/1/20, no.26.

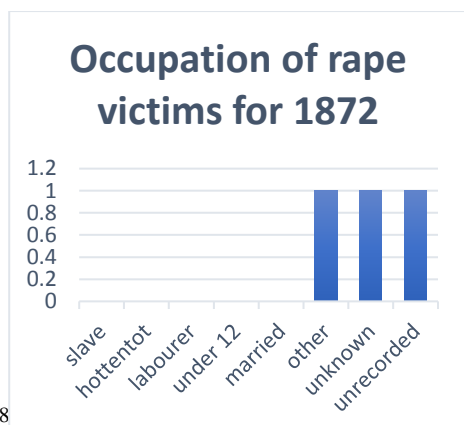
³⁴⁵ KAB CSC 1/1/20, no.10, KAB CSC 1/1/21, no.1, KAB CSC 1/1/21, no.19 and KAB CSC 1/1/21, no.20.

³⁴⁶ KAB CSC 1/1/21, no.3, KAB CSC 1/1/21, no.7 and KAB CSC 1/1/21, no.2.

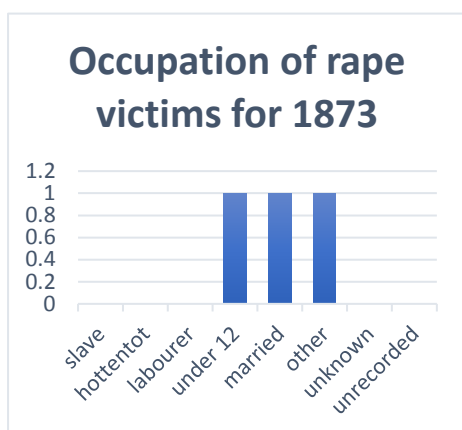
³⁴⁷ KAB CSC 1/1/21, no.14 and KAB CSC 1/1/22, no.4.



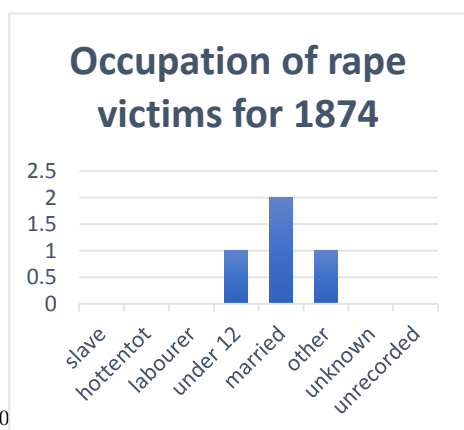
348



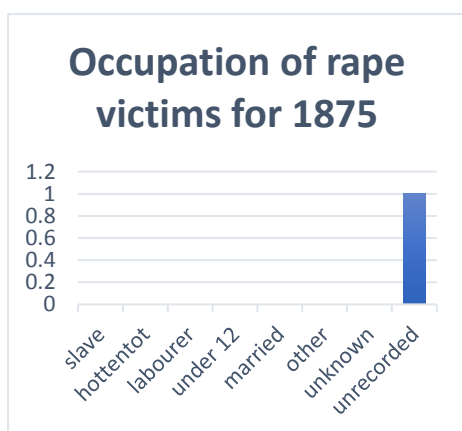
349



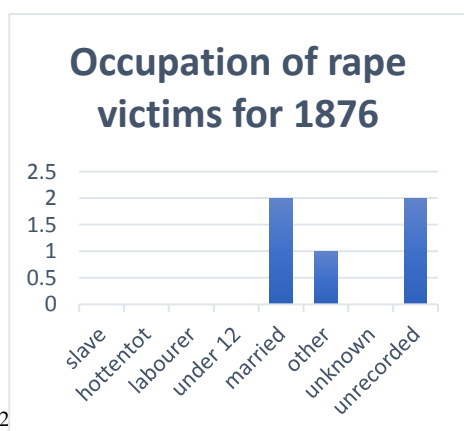
350



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³⁴⁸ KAB CSC 1/1/1/22, no.16, KAB CSC 1/1/1/22, no.33 and KAB CSC 1/1/1/22, no.14.

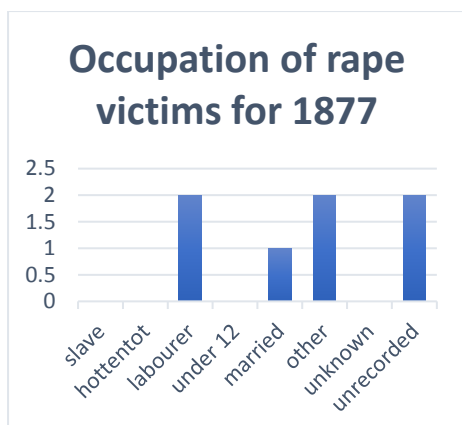
³⁴⁹ KAB CSC 1/1/1/22, no.3, KAB CSC 1/1/1/23, no.4, KAB CSC 1/1/1/23, no.6 and KAB CSC 1/1/1/23, no.229

³⁵⁰ KAB CSC 1/1/1/23, no.14, KAB CSC 1/1/1/23, no.8 and KAB CSC 1/1/1/24, no.1

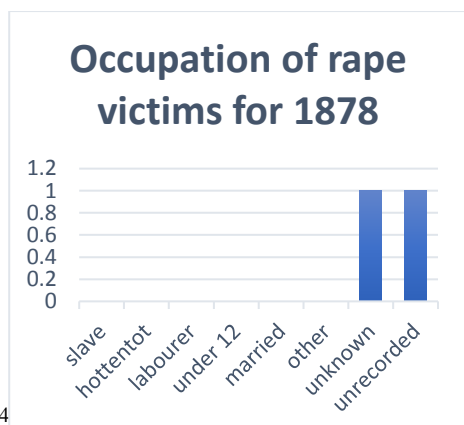
³⁵¹ KAB CSC 1/1/1/24, no.3, KAB CSC 1/1/1/24, no.1 and KAB CSC 1/1/1/24, no.2.

³⁵² KAB CSC 1/1/1/24, no.14, KAB CSC 1/1/1/24, no.7, KAB CSC 1/1/1/24, no.2 and KAB CSC 1/1/1/25, no.12.

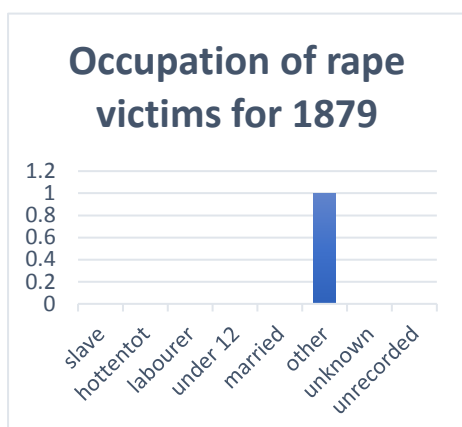
³⁵³ KAB CSC 1/1/1/25, no.6.



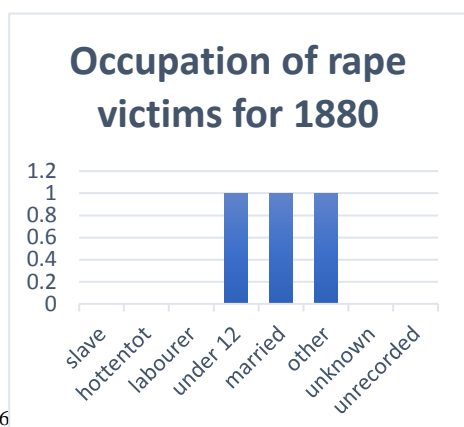
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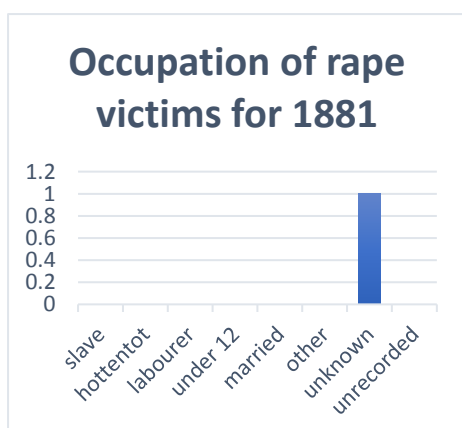
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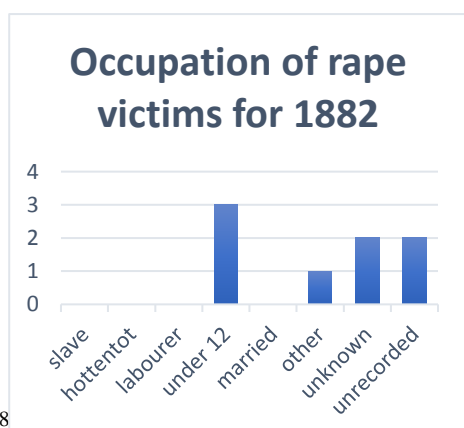
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³⁵⁴ KAB CSC 1/1/1/25, no.16, KAB CSC 1/1/1/25, no.4, KAB CSC 1/1/1/26, no.1, KAB CSC 1/1/1/26, no.2 and KAB CSC 1/1/1/25, no.4.

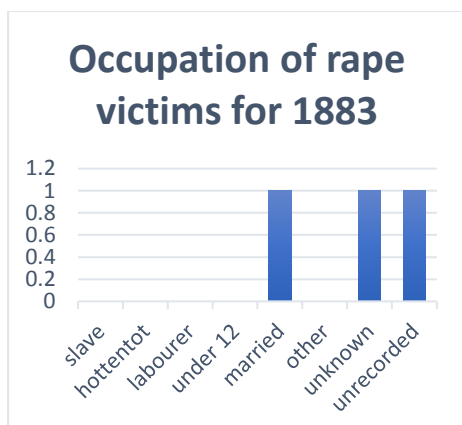
³⁵⁵ KAB CSC 1/1/1/25, no.6, KAB CSC 1/1/1/25, no.9, KAB CSC 1/1/1/25, no.13, KAB CSC 1/1/1/25, no.16, KAB CSC 1/1/1/25, no.6, KAB CSC 1/1/1/27, no.8 and KAB CSC 1/1/1/30, no.8.

³⁵⁶ KAB CSC 1/1/1/27, no.12 and KAB CSC 1/1/1/27, no.6.

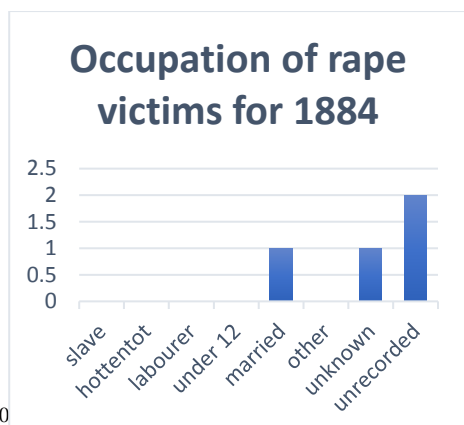
³⁵⁷ KAB CSC 1/1/1/27, no.3.

³⁵⁸ KAB CSC 1/1/1/28, no.5, KAB CSC 1/1/1/28, no.1 and KAB CSC 1/1/1/29, no.7

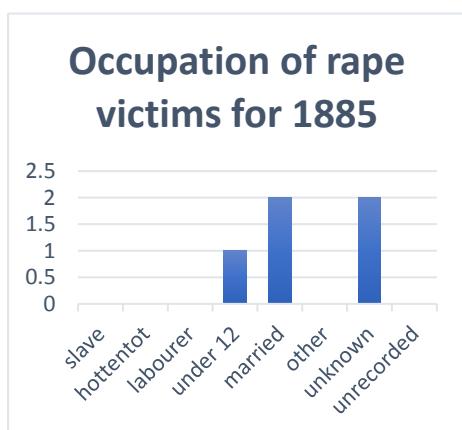
³⁵⁹ KAB CSC 1/1/1/29, no.3.



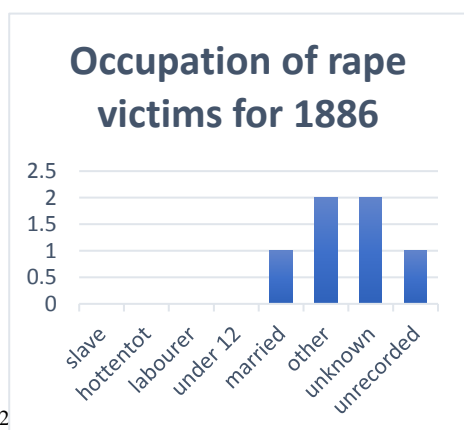
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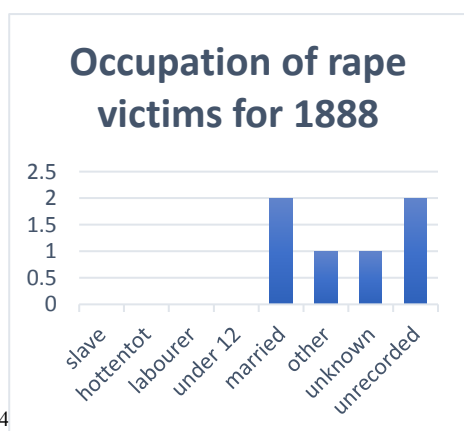
362



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³⁶⁰ KAB CSC 1/1/1/30, no.6, KAB CSC 1/1/1/30, no.3, KAB CSC 1/1/1/30, no.5, KAB CSC 1/1/1/30, no.4, KAB CSC 1/1/1/30, no.19, KAB CSC 1/1/1/31, no.5 and KAB CSC 1/1/1/31, no.7.

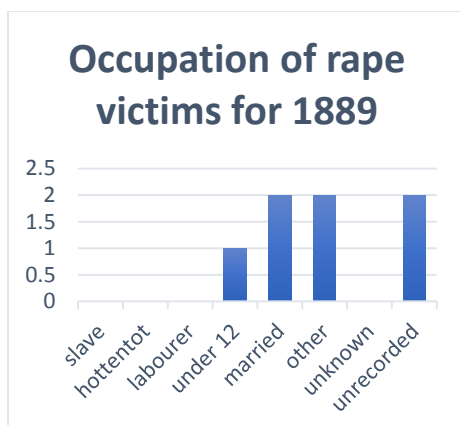
³⁶¹ KAB CSC 1/1/1/31, no.12, KAB CSC 1/1/1/31, no.20 and KAB CSC 1/1/1/31, no.2.

³⁶² KAB CSC 1/1/1/32, no.14, KAB CSC 1/1/1/32, no.10, KAB CSC 1/1/1/32, no.21 and KAB CSC 1/1/1/33, no.2.

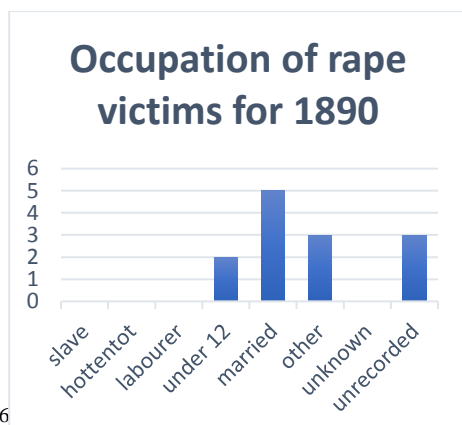
³⁶³ KAB CSC 1/1/1/33, no.1, KAB CSC 1/1/1/33, no.2, KAB CSC 1/1/1/33, no.10, KAB CSC 1/1/1/33, no.11, KAB CSC 1/1/1/33, no. 4 and KAB CSC 1/1/1/33, no.2.

³⁶⁴ KAB CSC 1/1/1/33, no.6, KAB CSC 1/1/1/33, no.1, KAB CSC 1/1/1/33, no.8, KAB CSC 1/1/1/33, no.9 and KAB CSC 1/1/1/33, no.10.

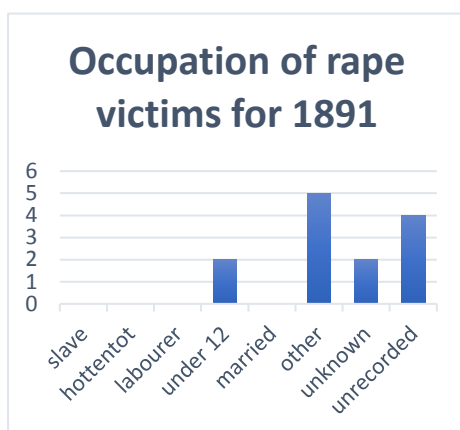
³⁶⁵ KAB CSC 1/1/1/34, no.1, KAB CSC 1/1/1/34, no.2, KAB CSC 1/1/1/34, no.6, KAB CSC 1/1/1/34, no.1, KAB CSC 1/1/1/34, no.8, KAB CSC 1/1/1/34, no.3, KAB CSC 1/1/1/34, no.1, KAB CSC 1/1/1/34, no.6, KAB CSC 1/1/1/34, no.9 and KAB CSC 1/1/1/34, no.15.



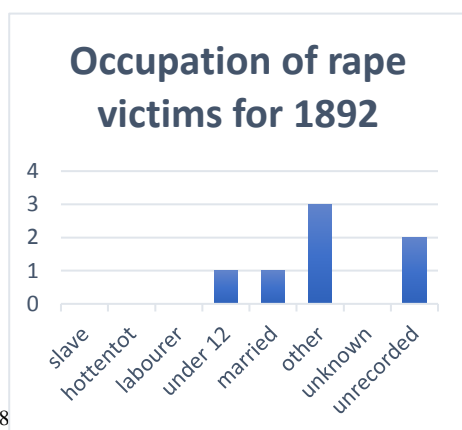
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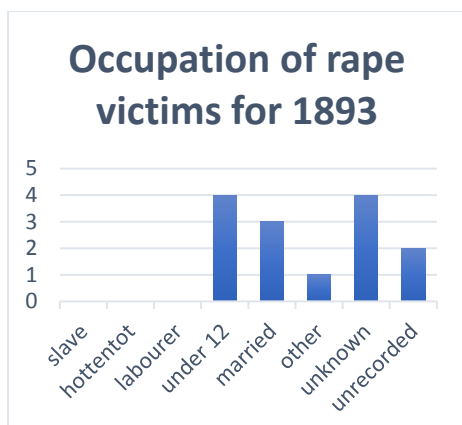
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³⁶⁶ KAB CSC 1/1/1/34, no.3, KAB CSC 1/1/1/34, no.4 KAB CSC 1/1/1/34, no.10, KAB CSC 1/1/1/36, no.4, KAB CSC 1/1/1/34, no.10 and KAB CSC 1/1/1/34, no.13.

³⁶⁷ KAB CSC 1/1/1/35, no.7, KAB CSC 1/1/1/35, no.9, KAB CSC 1/1/1/35, no.8, KAB CSC 1/1/1/35, no.12, KAB CSC 1/1/1/35, no.1, KAB CSC 1/1/1/36, no.12 and KAB CSC 1/1/1/36, no.8.

³⁶⁸ KAB CSC 1/1/1/37, no.3, KAB CSC 1/1/1/37, no.4, KAB CSC 1/1/1/37, no.5, KAB CSC 1/1/1/37, no.18, KAB CSC 1/1/1/37, no.3, KAB CSC 1/1/1/37, no.6, KAB CSC 1/1/1/37, no.8, KAB CSC 1/1/1/37, no.24, KAB CSC 1/1/1/37, no.3, KAB CSC 1/1/1/37, no.9, KAB CSC 1/1/1/38, no.2, KAB CSC 1/1/1/38, no.4 and KAB CSC 1/1/1/38, no.2.

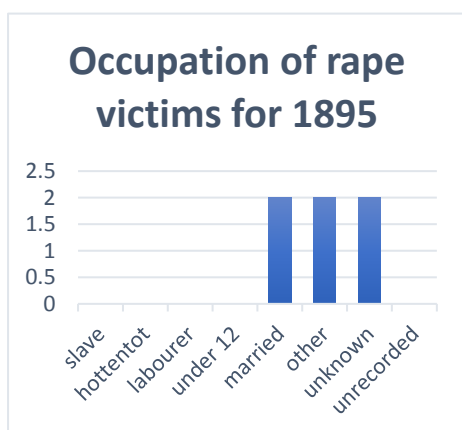
³⁶⁹ KAB CSC 1/1/1/38, no.7, KAB CSC 1/1/1/38, no.11, KAB CSC 1/1/1/38, no.18, KAB CSC 1/1/1/38, no.3, KAB CSC 1/1/1/38, no.2, KAB CSC 1/1/1/38, no.13 and KAB CSC 1/1/1/38, no.15.



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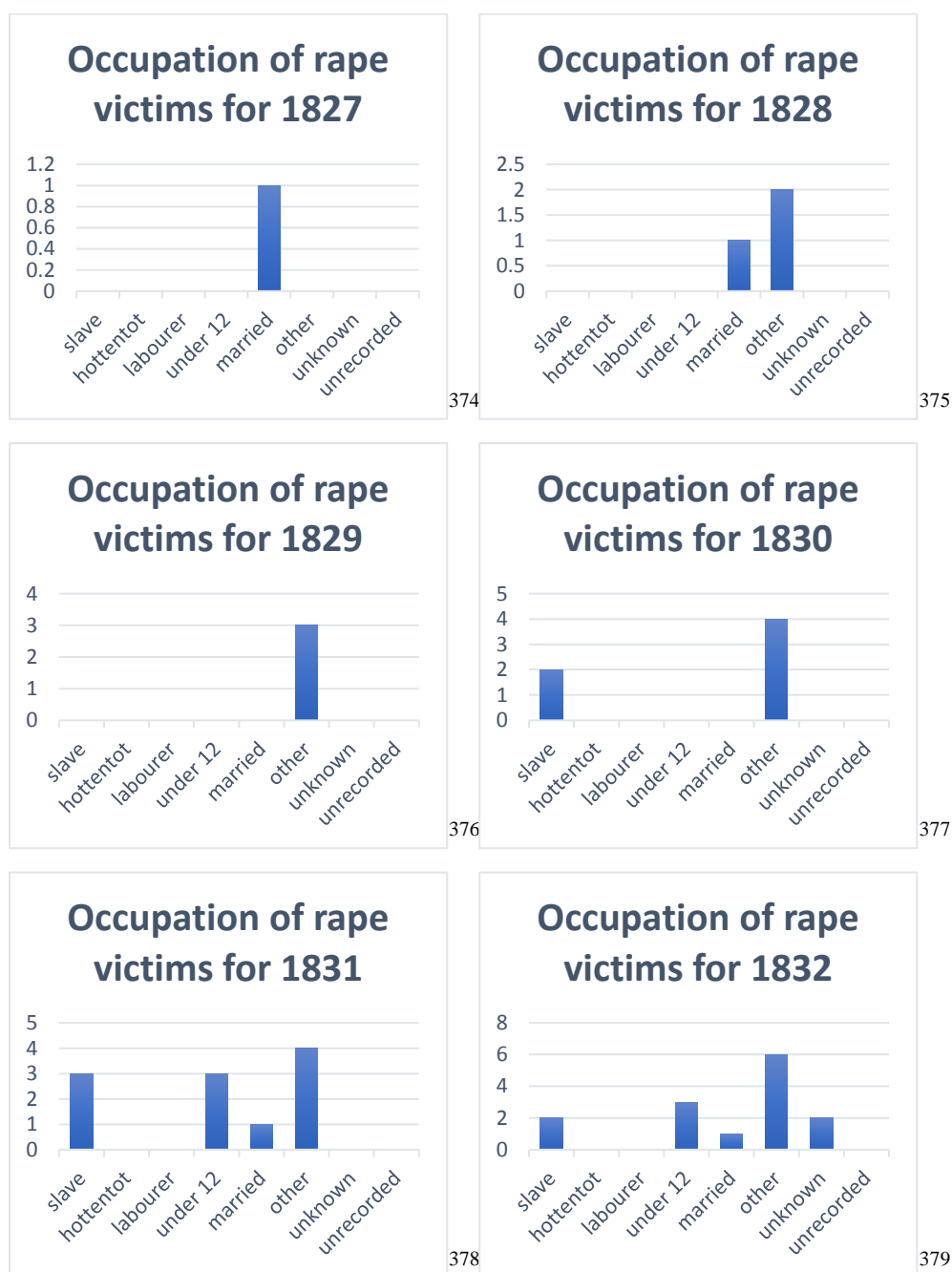
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³⁷⁰ KAB CSC 1/1/1/39, no.13, KAB CSC 1/1/1/39, no.4, KAB CSC 1/1/1/39, no.25, KAB CSC 1/1/1/39, no.26, KAB CSC 1/1/1/39, no.3, KAB CSC 1/1/1/39, no.4, KAB CSC 1/1/1/39, no.8, KAB CSC 1/1/1/39, no.9, KAB CSC 1/1/1/39, no.13, KAB CSC 1/1/1/39, no.14, KAB CSC 1/1/1/40, no.5, KAB CSC 1/1/1/40, no.15, KAB CSC 1/1/1/40, no.16 and KAB CSC 1/1/1/40, no.4.

³⁷¹ KAB CSC 1/1/1/40, no.5, KAB CSC 1/1/1/40, no.6, KAB CSC 1/1/1/40, no.7, KAB CSC 1/1/1/40, no.29, KAB CSC 1/1/1/41, no.1, KAB CSC 1/1/1/41, no.7, KAB CSC 1/1/1/41, no.8, KAB CSC 1/1/1/41, no.16, KAB CSC 1/1/1/41, no.18, KAB CSC 1/1/1/41, no.5, KAB CSC 1/1/1/41, no.9, KAB CSC 1/1/1/41, no.22, KAB CSC 1/1/1/41, no.24, KAB CSC 1/1/1/42, no.4, KAB CSC 1/1/1/42, no.6, KAB CSC 1/1/1/42, no.13, KAB CSC 1/1/1/42, no.13, KAB CSC 1/1/1/42, no.29, KAB CSC 1/1/1/42, no.28 and KAB CSC 1/1/1/42, no.12.

³⁷² KAB CSC 1/1/1/42, no.34, KAB CSC 1/1/1/42, no.36, KAB CSC 1/1/1/42, no.8, KAB CSC 1/1/1/42, no.5, KAB CSC 1/1/1/42, no.9 and KAB CSC 1/1/1/42, no.21.

8.6 Occupation of rape victims from Circuit Court Records³⁷³



³⁷³ This data is only recorded from 1827 as this was when the Circuit Court was first established.

³⁷⁴ KAB CSC 1/2/1/1, no.2.

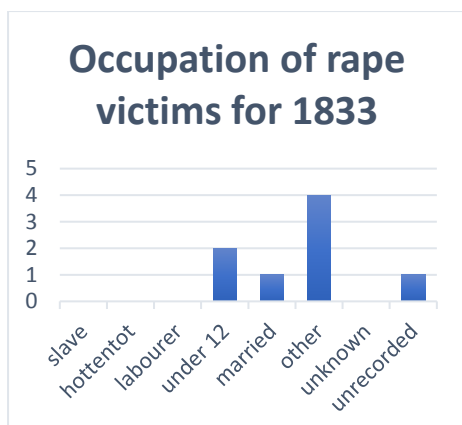
³⁷⁵ KAB CSC 1/2/1/2, no.10, KAB CSC 1/2/1/2, no.4 and KAB CSC 1/2/1/3, no.20.

³⁷⁶ KAB CSC 1/2/1/4, no.9, KAB CSC 1/2/1/5, no.1 and KAB CSC 1/2/1/4, no.2.

³⁷⁷ KAB CSC 1/2/1/6, no.6, KAB CSC 1/2/1/7, no.12, KAB CSC 1/2/1/7, no.13, KAB CSC 1/2/1/7, no.1, KAB CSC 1/2/1/8, no.12 and KAB CSC 1/2/1/9, no.2.

³⁷⁸ KAB CSC 1/2/1/7, no.8, KAB CSC 1/2/1/8, no.6, KAB CSC 1/2/1/8, no.11, KAB CSC 1/2/1/8, no.14, KAB CSC 1/2/1/8, no.17, KAB CSC 1/2/1/8, no.22, KAB CSC 1/2/1/8, no.1, KAB CSC 1/2/1/9, no.7, KAB CSC 1/2/1/10, no.7 and KAB CSC 1/2/1/10, no.9.

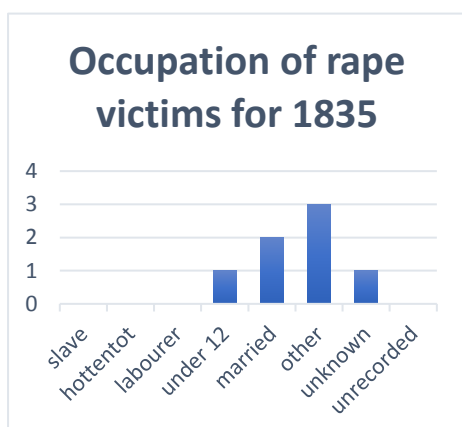
³⁷⁹ KAB CSC 1/2/1/9, no.9, KAB CSC 1/2/1/9, no.2, KAB CSC 1/2/1/9, no.12, KAB CSC 1/2/1/10, no.16, KAB CSC 1/2/1/10, no.18, KAB CSC 1/2/1/10, no.10, KAB CSC 1/2/1/10, no.7, KAB CSC 1/2/1/10, no.9, KAB CSC 1/2/1/11, no.10, KAB CSC 1/2/1/11, no.9, KAB CSC 1/2/1/11, no.10, KAB CSC 1/2/1/11, no.13, KAB CSC 1/2/1/11, no.16, KAB CSC 1/2/1/11, no.19, KAB CSC 1/2/1/11, no.20 and KAB CSC 1/2/1/11, no.6.



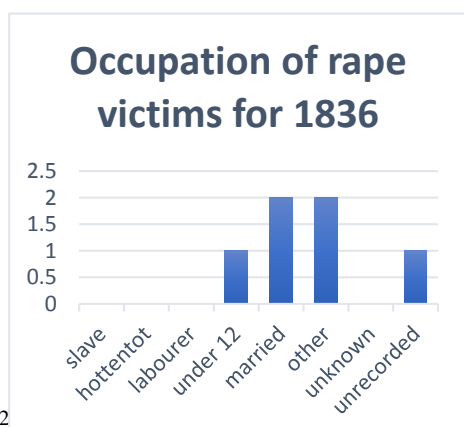
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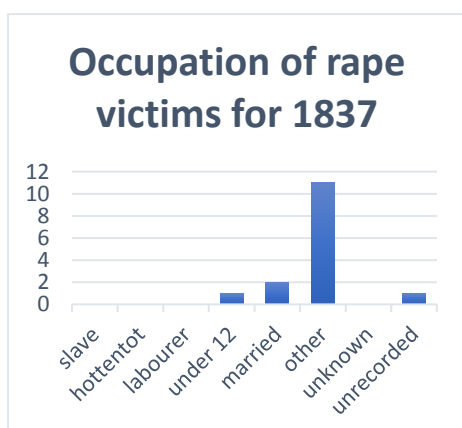
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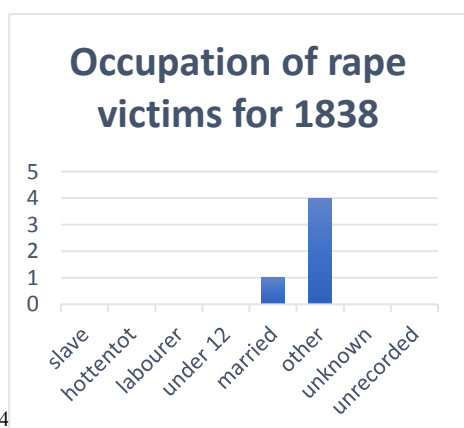
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³⁸⁰ KAB CSC 1/2/1/11, no.21, KAB CSC 1/2/1/12, no.18, KAB CSC 1/2/1/12, no.12, KAB CSC 1/2/1/13, no.2, KAB CSC 1/2/1/13, no.7, KAB CSC 1/2/1/13, no.13 and KAB CSC 1/2/1/13, no.15.

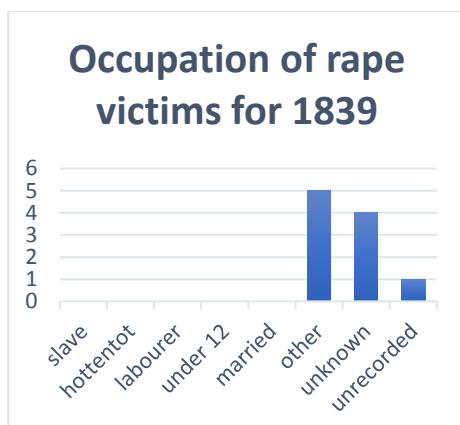
³⁸¹ KAB CSC 1/2/1/14, no.8, KAB CSC 1/2/1/14, no.21, KAB CSC 1/2/1/15, no.7, KAB CSC 1/2/1/16, no.9, KAB CSC 1/2/1/16, no.11, KAB CSC 1/2/1/16, no.23 and KAB CSC 1/2/1/17, no.10.

³⁸² KAB CSC 1/2/1/17, no.5, KAB CSC 1/2/1/17, no.6, KAB CSC 1/2/1/17, no.15, KAB CSC 1/2/1/17, no.4, KAB CSC 1/2/1/18, no.17 and KAB CSC 1/2/1/18, no.13.

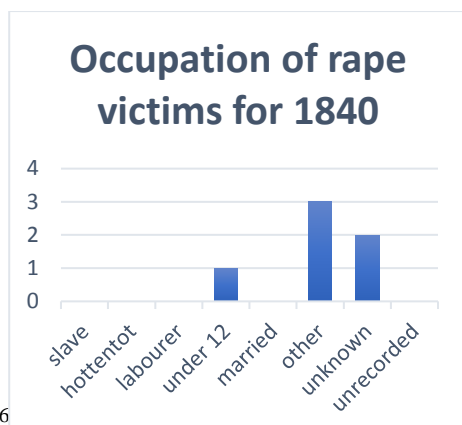
³⁸³ KAB CSC 1/2/1/18, no.11, KAB CSC 1/2/1/18, no.19, KAB CSC 1/2/1/19, no.12, KAB CSC 1/2/1/19, no.8, KAB CSC 1/2/1/20, no.14, KAB CSC 1/2/1/20, no.21 and KAB CSC 1/2/1/21, no.11.

³⁸⁴ KAB CSC 1/2/1/19, no.13, KAB CSC 1/2/1/19, no.9, KAB CSC 1/2/1/20, no.13, KAB CSC 1/2/1/20, no.20, KAB CSC 1/2/1/20, no.33, KAB CSC 1/2/1/20, no.14, KAB CSC 1/2/1/20, no.5, KAB CSC 1/2/1/20, no.6, KAB CSC 1/2/1/20, no.8, KAB CSC 1/2/1/20, no.14, KAB CSC 1/2/1/21, no.5, KAB CSC 1/2/1/21, no.2, KAB CSC 1/2/1/21, no.13, KAB CSC 1/2/1/21, no.2, KAB CSC 1/2/1/23, no.7 and KAB CSC 1/2/1/20, no.22.

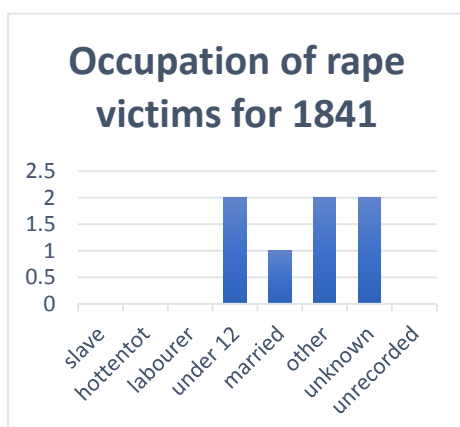
³⁸⁵ KAB CSC 1/2/1/21, no.14, KAB CSC 1/2/1/21, no.14, KAB CSC 1/2/1/22, no. 35, KAB CSC 1/2/1/22, no.11 and KAB CSC 1/2/1/23, no.13.



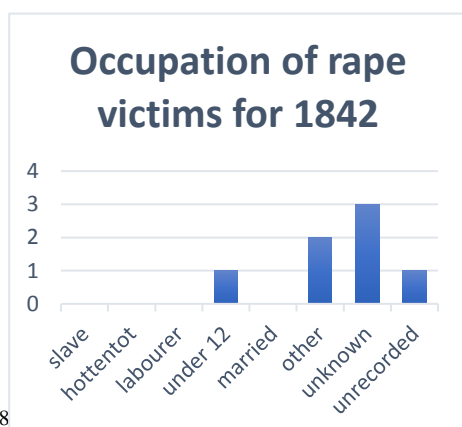
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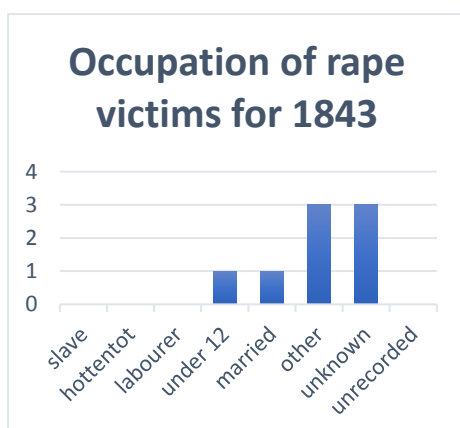
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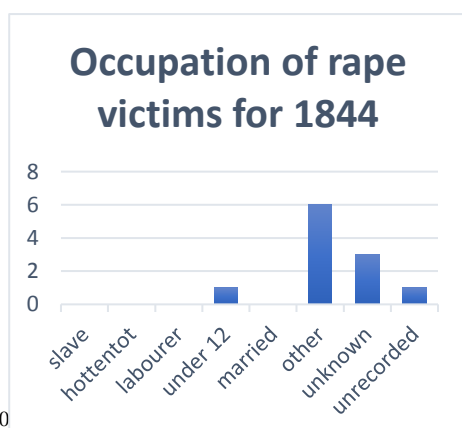
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³⁸⁶ KAB CSC 1/2/1/23, no.7, KAB CSC 1/2/1/23, no.11, KAB CSC 1/2/1/24, no.1, KAB CSC 1/2/1/24, no.4, KAB CSC 1/2/1/24, no.7, KAB CSC 1/2/1/24, no.3, KAB CSC 1/2/1/25, no.10, KAB CSC 1/2/1/25, no.17, KAB CSC 1/2/1/25, no.17 and KAB CSC 1/2/1/25, no.9.

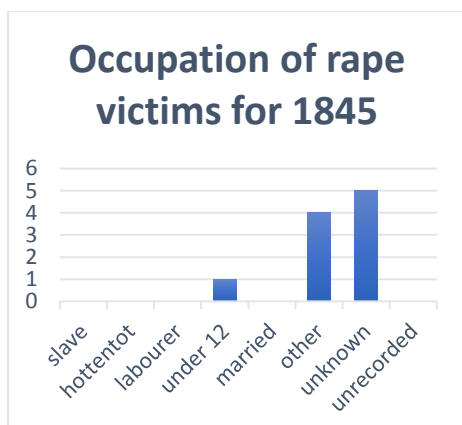
³⁸⁷ KAB CSC 1/2/1/26, no.8, KAB CSC 1/2/1/26, no.12, KAB CSC 1/2/1/26, no.13, KAB CSC 1/2/1/27, no.2, KAB CSC 1/2/1/27, no.7, KAB CSC 1/2/1/27, no.8 and KAB CSC 1/2/1/27, no.4.

³⁸⁸ KAB CSC 1/2/1/28, no.7, KAB CSC 1/2/1/29, no.5, KAB CSC 1/2/1/29, no.2, KAB CSC 1/2/1/29, no.10, KAB CSC 1/2/1/29, no.8, KAB CSC 1/2/1/30, no.13 and KAB CSC 1/2/1/30, no.14.

³⁸⁹ KAB CSC 1/2/1/29, no.6, KAB CSC 1/2/1/29, no.3, KAB CSC 1/2/1/30, no.5, KAB CSC 1/2/1/30, no.12, KAB CSC 1/2/1/31, no.5 and KAB CSC 1/2/1/32, no.5

³⁹⁰ KAB CSC 1/2/1/31, no.7, KAB CSC 1/2/1/31, no.18, KAB CSC 1/2/1/32, no.8, KAB CSC 1/2/1/32, no.18, KAB CSC 1/2/1/32, no.5, KAB CSC 1/2/1/32, no.6, KAB CSC 1/2/1/33, no.7 and KAB CSC 1/2/1/33, no.5.

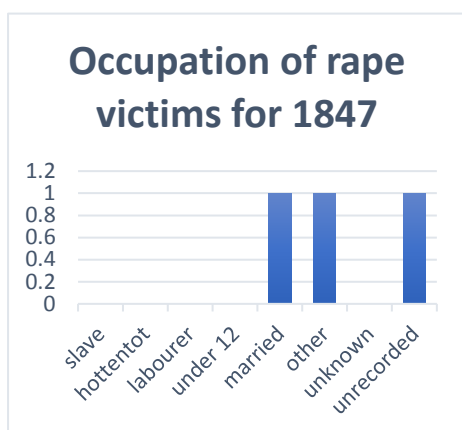
³⁹¹ KAB CSC 1/2/1/33, no.8, KAB CSC 1/2/1/33, no.2, KAB CSC 1/2/1/33, no.10, KAB CSC 1/2/1/33, no.5, KAB CSC 1/2/1/34, no.7, KAB CSC 1/2/1/34, no.8, KAB CSC 1/2/1/34, no.11, KAB CSC 1/2/1/34, no.9, KAB CSC 1/2/1/34, no.5, KAB CSC 1/2/1/35, no.8 and KAB CSC 1/2/1/35, no.19.



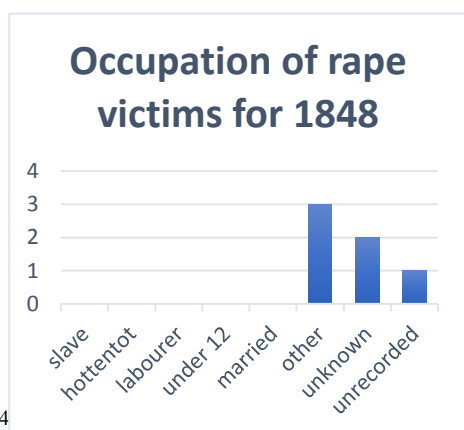
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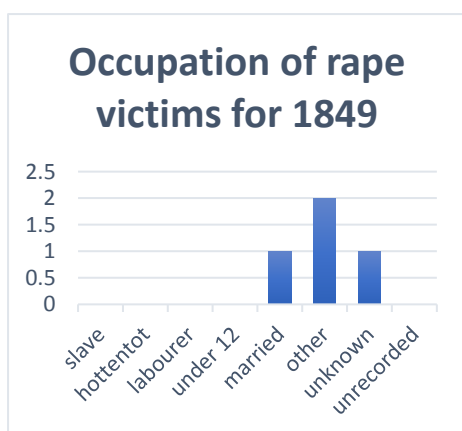
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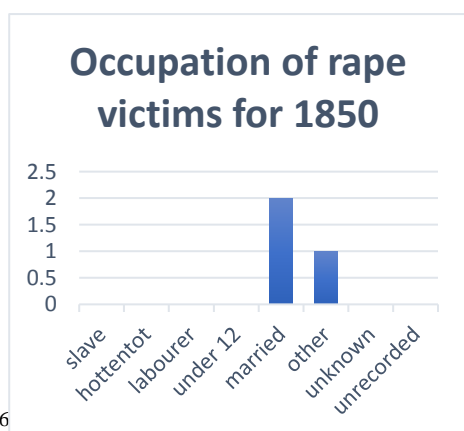
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³⁹² KAB CSC 1/2/1/35, no.3, KAB CSC 1/2/1/35, no.18, KAB CSC 1/2/1/36, no.7, KAB CSC 1/2/1/36, no.7, KAB CSC 1/2/1/37, no.15, KAB CSC 1/2/1/37, no.3, KAB CSC 1/2/1/37, no.8, KAB CSC 1/2/1/37, no.4 and KAB CSC 1/2/1/38, no.15.

³⁹³ KAB CSC 1/2/1/37, no.4, KAB CSC 1/2/1/38, no.9, KAB CSC 1/2/1/39, no.4, KAB CSC 1/2/1/35, no.9 and KAB CSC 1/2/1/35, no.4.

³⁹⁴ KAB CSC 1/2/1/39, no.5, KAB CSC 1/2/1/40, no.29 and KAB CSC 1/2/1/41, no.13.

³⁹⁵ KAB CSC 1/2/1/41, no.12, KAB CSC 1/2/1/42, no.11, KAB CSC 1/2/1/42, no.6, KAB CSC 1/2/1/43, no.2, KAB CSC 1/2/1/43, no.8 and KAB CSC 1/2/1/42, no.11.

³⁹⁶ KAB CSC 1/2/1/44, no.1, KAB CSC 1/2/1/44, no.7, KAB CSC 1/2/1/44, no.11 and KAB CSC 1/2/1/45, no.2.

³⁹⁷ KAB CSC 1/2/1/46, no.6, KAB CSC 1/2/1/48, no.6 and KAB CSC 1/2/48, no.1.



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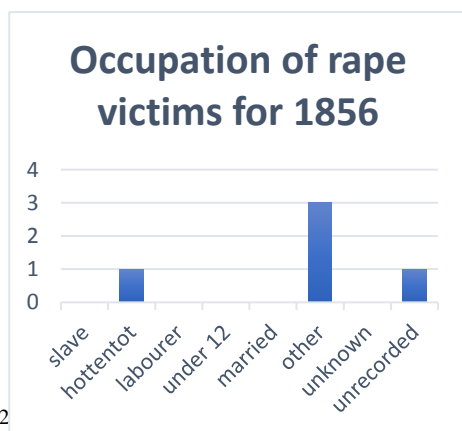
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³⁹⁸ KAB CSC 1/2/1/47, no.18, KAB CSC 1/2/1/47, no.19, KAB CSC 1/2/1/48, no.10 and KAB CSC 1/2/1/48, no.12.

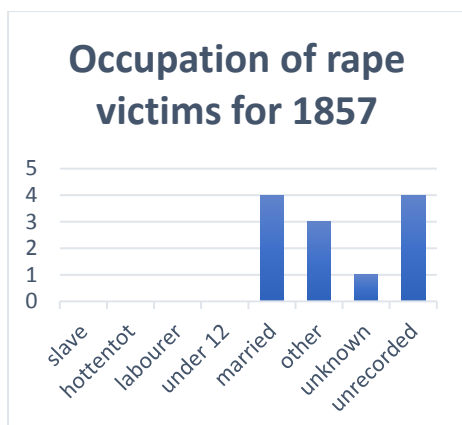
³⁹⁹ KAB CSC 1/2/1/49, no.11, KAB CSC 1/2/1/49, no.12, KAB CSC 1/2/1/49, no.19, KAB CSC 1/2/1/50, no.4, KAB CSC 1/2/1/50, no.24, KAB CSC 1/2/1/50, no.1 and KAB CSC 1/2/1/71, no.4.

⁴⁰⁰ KAB CSC 1/2/1/50, no.4, KAB CSC 1/2/1/50, no.12, KAB CSC 1/2/1/50, no.13, KAB CSC 1/2/1/50, no.20, KAB CSC 1/2/1/51, no.13, KAB CSC 1/2/1/51, no.5, KAB CSC 1/2/1/51, no.6, KAB CSC 1/2/1/51, no.4 and KAB CSC 1/2/1/54, no.8.

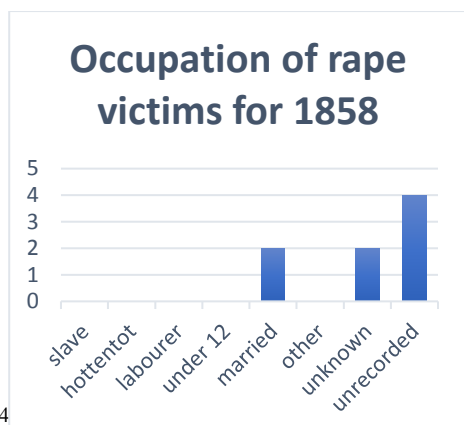
⁴⁰¹ KAB CSC 1/2/1/52, no.5, KAB CSC 1/2/1/53, no.13, KAB CSC 1/2/1/53, no.12, KAB CSC 1/2/1/53, no.13 and KAB CSC 1/2/1/54, no.6.

⁴⁰² KAB CSC 1/2/1/54, no.4, KAB CSC 1/2/1/54, no.3, KAB CSC 1/2/1/54, no.2, KAB CSC 1/2/1/55, no.10, KAB CSC 1/2/1/55, no.2, KAB CSC 1/2/1/55, no.6, KAB CSC 1/2/1/55, no.5, KAB CSC 1/2/1/56, no.8, KAB CSC 1/2/1/56, no.10, KAB CSC 1/2/1/56, no.2, KAB CSC 1/2/1/56, no.10 and KAB CSC 1/2/1/57, no.6.

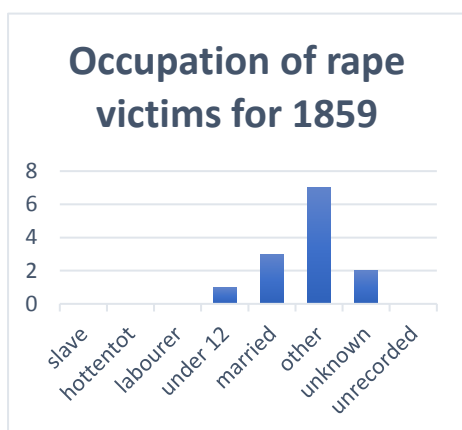
⁴⁰³ KAB CSC 1/2/1/56, no.3, KAB CSC 1/2/1/56, no.18, KAB CSC 1/2/1/56, no.18, KAB CSC 1/2/1/57, no.3, KAB CSC 1/2/1/57, no.6, KAB CSC 1/2/1/58, no.7 and KAB CSC 1/2/1/58, no.8.



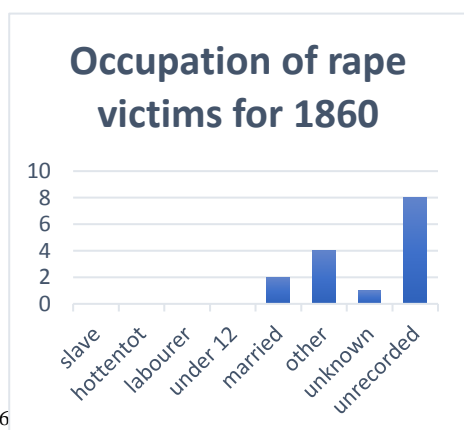
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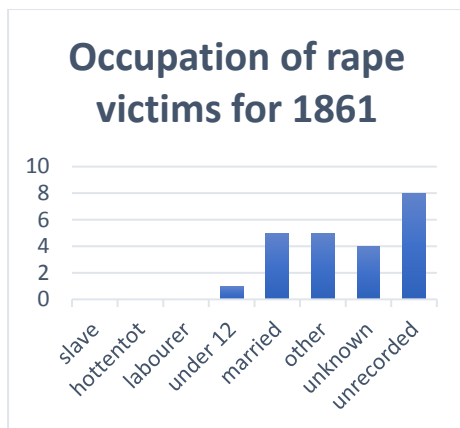
407

⁴⁰⁴ KAB CSC 1/2/1/58, no.8, KAB CSC 1/2/1/58, no.4, KAB CSC 1/2/1/59, Henry, KAB CSC 1/2/1/59, Abram, KAB CSC 1/2/1/59, April, KAB CSC 1/2/1/59, no.3, KAB CSC 1/2/1/59, no.11, KAB CSC 1/2/1/59, no.6, KAB CSC 1/2/1/59, no.13, KAB CSC 1/2/1/59, no.6, KAB CSC 1/2/1/59, no.10 and KAB CSC 1/2/1/64, no.9.

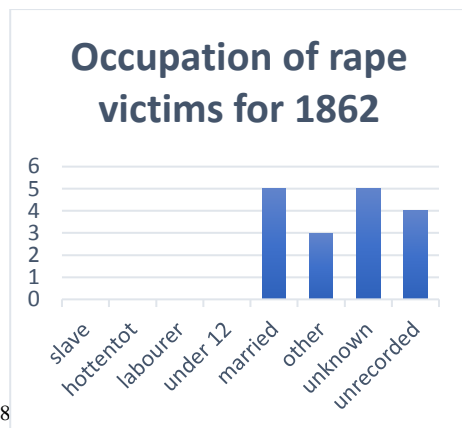
⁴⁰⁵ KAB CSC 1/2/1/58, no.5, KAB CSC 1/2/1/59, no.21, KAB CSC 1/2/1/59, no.1, KAB CSC 1/2/1/59, no.2, KAB CSC 1/2/1/61, no.9, KAB CSC 1/2/1/61, no.11, KAB CSC 1/2/1/63, no.3 and KAB CSC 1/2/1/63, no.4.

⁴⁰⁶ KAB CSC 1/2/1/63, no.2, KAB CSC 1/2/1/63, no.1, KAB CSC 1/2/1/63, no.4, KAB CSC 1/2/1/64, no.5., KAB CSC 1/2/1/64, no.11, KAB CSC 1/2/1/64, no.12, KAB CSC 1/2/1/64, no.21, KAB CSC 1/2/1/64, no.2, KAB CSC 1/2/1/65, Petrus, KAB CSC 1/2/1/65, no.2, KAB CSC 1/2/1/66, no.4, KAB CSC 1/2/1/66, no.11 and KAB CSC 1/2/1/66, no.27.

⁴⁰⁷ KAB CSC 1/2/1/66, no.2, KAB CSC 1/2/1/67, no.1, KAB CSC 1/2/1/67, no.6, KAB CSC 1/2/1/67, no.4, KAB CSC 1/2/1/68, no.15, KAB CSC 1/2/1/68, no.14, KAB CSC 1/2/1/68, no.4, KAB CSC 1/2/1/68, no.2, KAB CSC 1/2/1/68, no.1, KAB CSC 1/2/1/68, no.6, KAB CSC 1/2/1/69, no.12, KAB CSC 1/2/1/69, no.13, KAB CSC 1/2/1/69, no.14, KAB CSC 1/2/1/70, no.12 and KAB CSC 1/2/1/71, no.1.



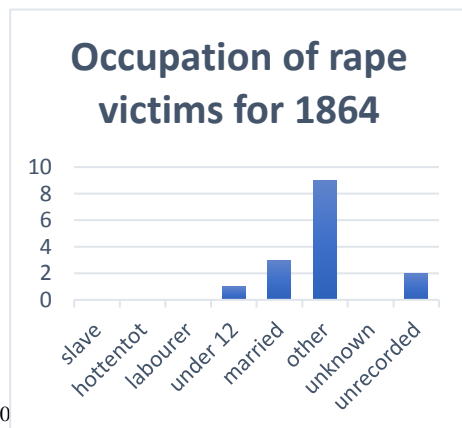
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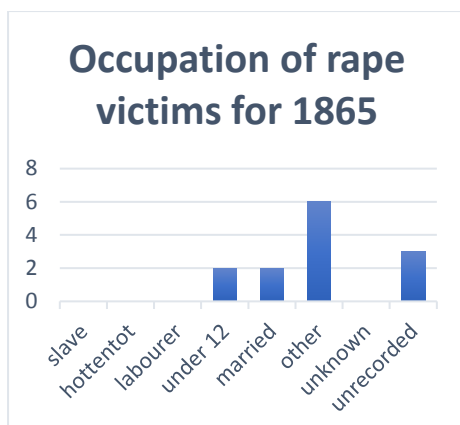
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⁴⁰⁸ KAB CSC 1/2/1/67, no.2, KAB CSC 1/2/1/67, no.13, KAB CSC 1/2/1/67, no.1, KAB CSC 1/2/1/67, no.5, KAB CSC 1/2/1/67, no.5, KAB CSC 1/2/1/69, no.10, KAB CSC 1/2/1/69, no.12, KAB CSC 1/2/1/69, no.4, KAB CSC 1/2/1/69, no.9, KAB CSC 1/2/1/70, no.5, KAB CSC 1/2/1/69, no.11, KAB CSC 1/2/1/70, no.2, KAB CSC 1/2/1/70, no.4, KAB CSC 1/2/1/70, no.6, KAB CSC 1/2/1/70, no.2, KAB CSC 1/2/1/71, no.4, KAB CSC 1/2/1/71, no.2, KAB CSC 1/2/1/71, no.1, KAB CSC 1/2/1/71, no.6, KAB CSC 1/2/1/71, no.7, KAB CSC 1/2/1/71, no.1, KAB CSC 1/2/1/71, no.4, KAB CSC 1/2/1/71, no.6 and KAB CSC 1/2/1/71, no.5.

⁴⁰⁹ KAB CSC 1/2/1/67, no.1, KAB CSC 1/2/1/71, no.2, KAB CSC 1/2/1/71, no.12, KAB CSC 1/2/1/71, no.5, KAB CSC 1/2/1/71, no.6, KAB CSC 1/2/1/71, no.8, KAB CSC 1/2/1/72, no.7, KAB CSC 1/2/1/72, no.8, KAB CSC 1/2/1/72, no.7, KAB CSC 1/2/1/72, no.13, KAB CSC 1/2/1/72, no.8, KAB CSC 1/2/1/73, no.15, KAB CSC 1/2/1/73, no.12, KAB CSC 1/2/1/73, no.12, KAB CSC 1/2/1/73, no.2, KAB CSC 1/2/1/73, no.24, KAB CSC 1/2/1/73, no.4, KAB CSC 1/2/1/74, no.13 and KAB CSC 1/2/1/84, Dampie.

⁴¹⁰ KAB CSC 1/2/1/73, no.16, KAB CSC 1/2/1/73, no.23, KAB CSC 1/2/1/73, no.1, KAB CSC 1/2/1/73, no.2, KAB CSC 1/2/1/73, no.11, KAB CSC 1/2/1/75, no.7, KAB CSC 1/2/1/75, no.8, KAB CSC 1/2/1/75, no.46, KAB CSC 1/2/1/75, no.7, KAB CSC 1/2/1/75, no.8, KAB CSC 1/2/1/75, no.4, KAB CSC 1/2/1/76, no.6 and KAB CSC 1/2/1/76, no.12.

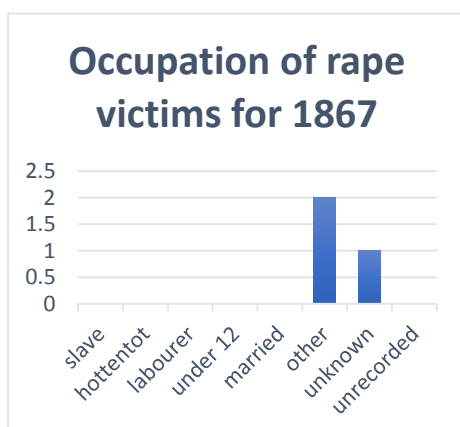
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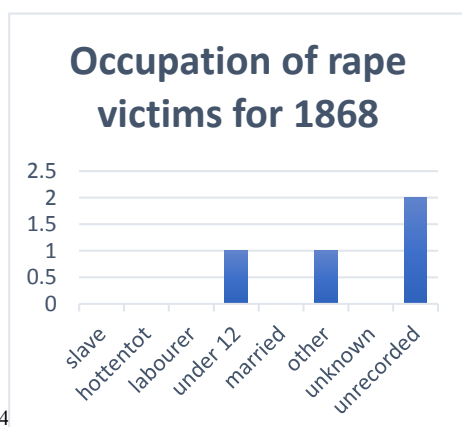
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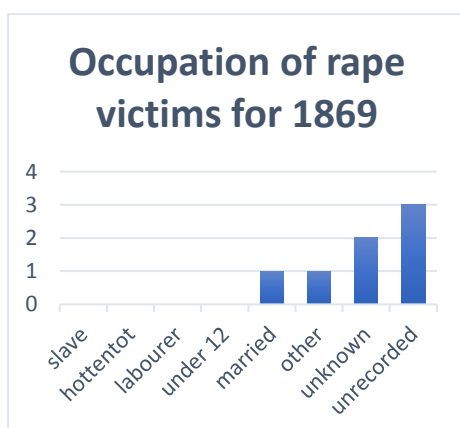
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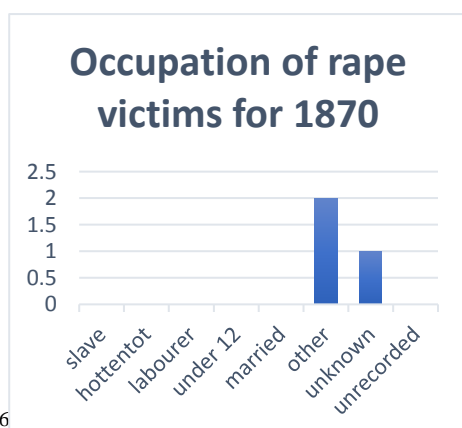
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⁴¹² KAB CSC 1/2/1/77, no.8, KAB CSC 1/2/1/78, no.5, KAB CSC 1/2/1/78, no.8, KAB CSC 1/2/1/78, no.8, KAB CSC 1/2/1/78, no.3, KAB CSC 1/2/1/78, no.2, KAB CSC 1/2/1/79, no.6, KAB CSC 1/2/1/79, no.19, KAB CSC 1/2/1/79, no.14, KAB CSC 1/2/1/79, no.5, KAB CSC 1/2/1/79, no.8, KAB CSC 1/2/1/81, no.10 and KAB CSC 1/2/1/80, no.10.

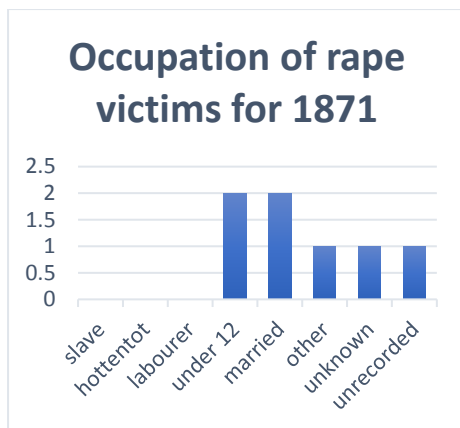
⁴¹³ KAB CSC 1/2/1/82, no.11, KAB CSC 1/2/1/82, no.19, KAB CSC 1/2/1/82, no.16, KAB CSC 1/2/1/82, no.1 and KAB CSC 1/2/1/84, Michiel.

⁴¹⁴ KAB CSC 1/2/1/83, no.14, KAB CSC 1/2/1/83, no.12 and KAB CSC 1/2/1/86, no.12.

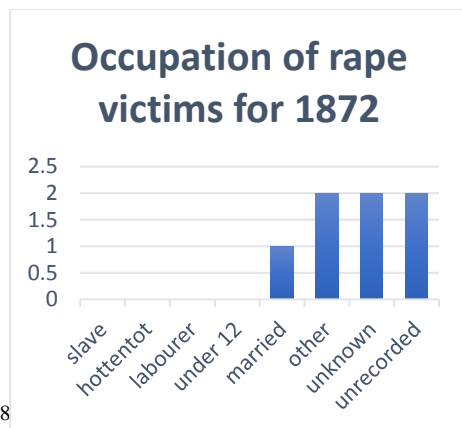
⁴¹⁵ KAB CSC 1/2/1/84, Patrick, KAB CSC 1/2/1/84, no.4, KAB CSC 1/2/1/84, no.11 and KAB CSC 1/2/1/85, no.3.

⁴¹⁶ KAB CSC 1/2/1/85, no.1, KAB CSC 1/2/1/85, no.2, KAB CSC 1/2/1/85, no.1, KAB CSC 1/2/1/85, no.4, KAB CSC 1/2/1/85, no.1, KAB CSC 1/2/1/85, no.3 and KAB CSC 1/2/1/86, no.7.

⁴¹⁷ KAB CSC 1/2/1/86, no.9, KAB CSC 1/2/1/86, no.3 and KAB CSC 1/2/1/86, no.3.



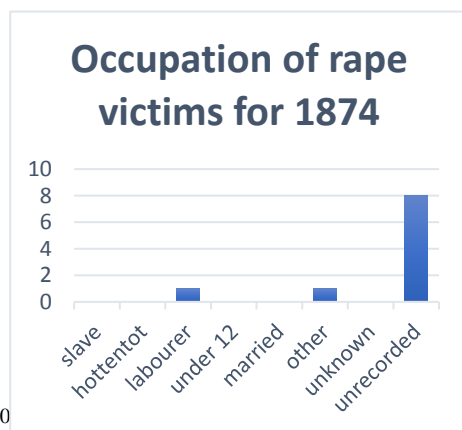
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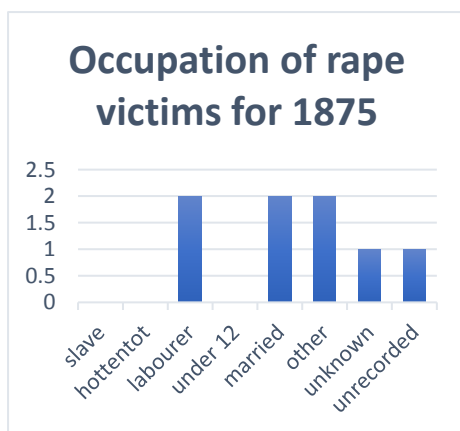
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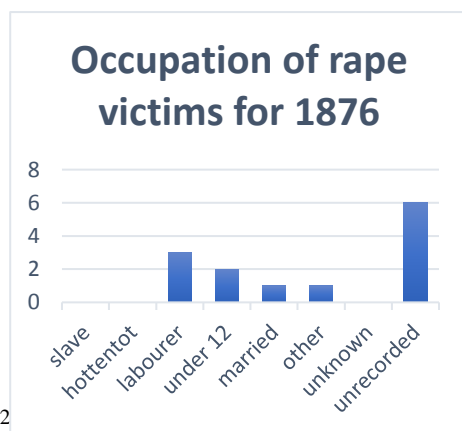
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⁴¹⁸ KAB CSC 1/2/1/86, no.3, KAB CSC 1/2/1/86, no.4, KAB CSC 1/2/1/86, no.3, KAB CSC 1/2/1/86, no.5, KAB CSC 1/2/1/86, no.5, KAB CSC 1/2/1/87, no.1 and KAB CSC 1/2/1/92, no.2.

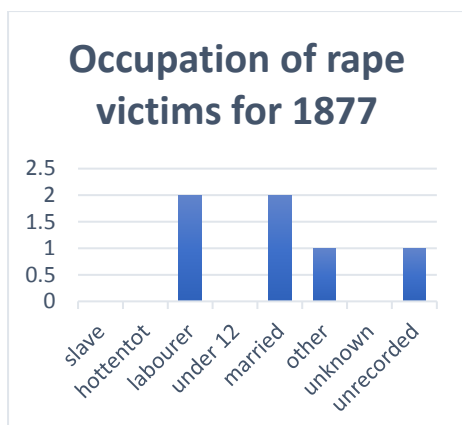
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⁴²⁰ KAB CSC 1/2/1/88, no.6, KAB CSC 1/2/1/88, no.16, KAB CSC 1/2/1/88, no.11, KAB CSC 1/2/1/88, no.12, KAB CSC 1/2/1/88, no.13, KAB CSC 1/2/1/88, no.2, KAB CSC 1/2/1/88, no.6 and KAB CSC 1/2/1/89, no.6.

⁴²¹ KAB CSC 1/2/1/89, no.1, KAB CSC 1/2/1/89, no.1, KAB CSC 1/2/1/89, no.4, KAB CSC 1/2/1/89, no.3, KAB CSC 1/2/1/89, no.4, KAB CSC 1/2/1/89, no.6, KAB CSC 1/2/1/89, no.12, KAB CSC 1/2/1/89, no.1, KAB CSC 1/2/1/89, no.4 and KAB CSC 1/2/1/89, no.1

⁴²² KAB CSC 1/2/1/90, no.13, KAB CSC 1/2/1/90, no.3, KAB CSC 1/2/1/91, no.4, KAB CSC 1/2/1/91, no.3, KAB CSC 1/2/1/91, no.16, KAB CSC 1/2/1/91, no.2, KAB CSC 1/2/1/91, no.12 and KAB CSC 1/2/1/93, no.4

⁴²³ KAB CSC 1/2/1/91, no. 1, KAB CSC 1/2/1/91, no.4, KAB CSC 1/2/1/91, no.3, KAB CSC 1/2/1/91, no.4, KAB CSC 1/2/1/91, no.5, KAB CSC 1/2/1/91, no.6, KAB CSC 1/2/1/91, no.7, KAB CSC 1/2/1/92, no.4, KAB CSC 1/2/1/92, no.5, KAB CSC 1/2/1/92, no.1, KAB CSC 1/2/1/92, no.2, KAB CSC 1/2/1/92, no.3 and KAB CSC 1/2/1/92, no.6.



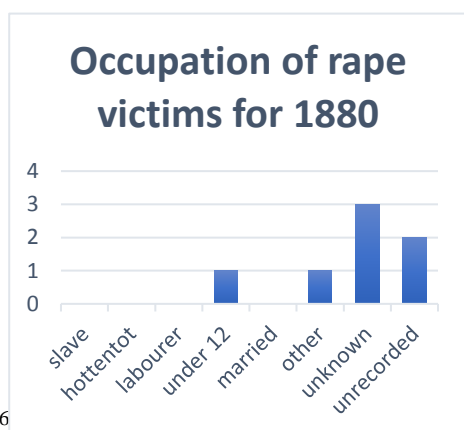
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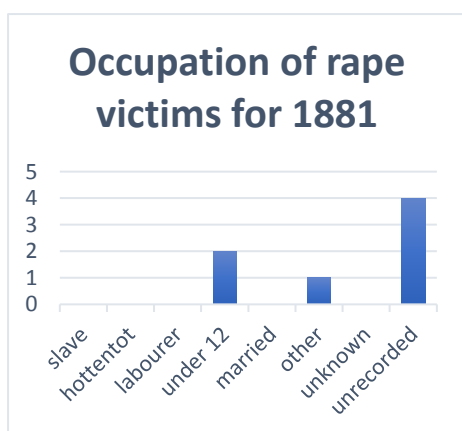
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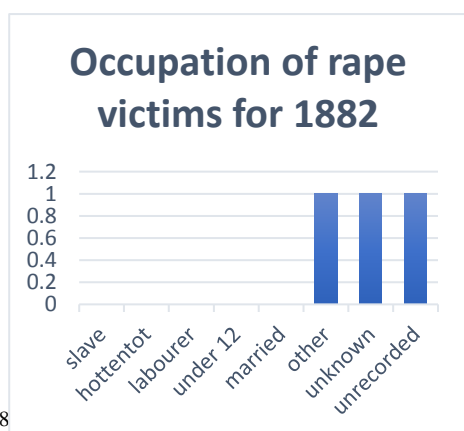
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⁴²⁴ KAB CSC 1/2/1/92, no.1, KAB CSC 1/2/1/92, no.3, KAB CSC 1/2/1/92, no.7, KAB CSC 1/2/1/92, no.9, KAB CSC 1/2/1/92, no.13 and KAB CSC 1/2/1/93, no.1.

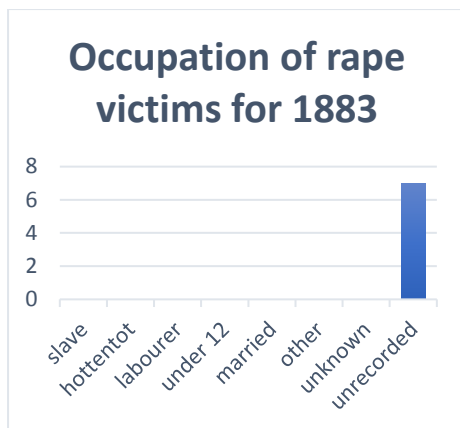
⁴²⁵ KAB CSC 1/2/1/93, no.4, KAB CSC 1/2/1/93, no.2, KAB CSC 1/2/1/93, no.7, KAB CSC 1/2/1/93, no.3 and KAB CSC 1/2/1/94, no.4.

⁴²⁶ KAB CSC 1/2/1/94, no.2, KAB CSC 1/2/1/94, no.5, KAB CSC 1/2/1/95, no.5, KAB CSC 1/2/1/95, no.7, KAB CSC 1/2/1/95, no.8, KAB CSC 1/2/1/95, no.9, KAB CSC 1/2/1/95, no.7 and KAB CSC 1/2/1/95, no.3.

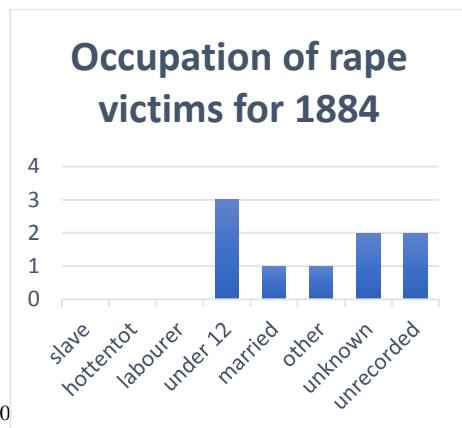
⁴²⁷ KAB CSC 1/2/1/95, no.6, KAB CSC 1/2/1/95, no.2, KAB CSC 1/2/1/95, no.3, KAB CSC 1/2/1/96, no.5, KAB CSC 1/2/1/96, no.1, KAB CSC 1/2/1/96, no.3 and KAB CSC 1/2/1/97, no.3.

⁴²⁸ KAB CSC 1/2/1/96, no.1, KAB CSC 1/2/1/96, no.3, KAB CSC 1/2/1/96, no.7, KAB CSC 1/2/1/96, no.1, KAB CSC 1/2/1/97, no.3, KAB CSC 1/2/1/97, no.2 and KAB CSC 1/2/1/97, no.3.

⁴²⁹ KAB CSC 1/2/1/97, no.2, KAB CSC 1/2/1/97, no.4 and KAB CSC 1/2/1/97, no.1.



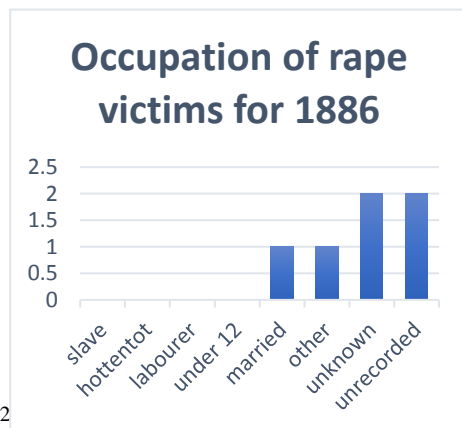
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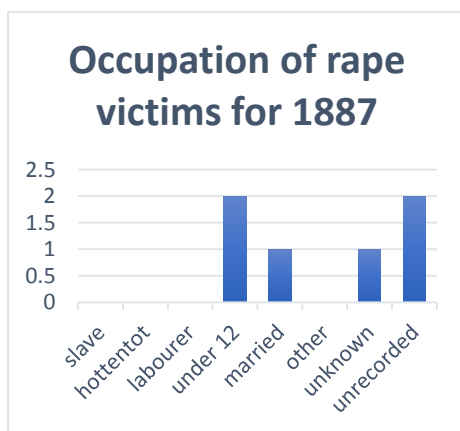
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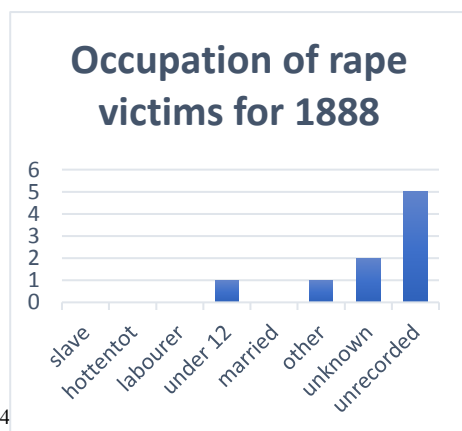
432



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⁴³⁰ KAB CSC 1/2/1/98, no.3, KAB CSC 1/2/1/98, no.5, KAB CSC 1/2/1/95, no.4, KAB CSC 1/2/1/98, no.5, KAB CSC 1/2/1/98, no.1, KAB CSC 1/2/1/99, no.7 and KAB CSC 1/2/1/99, no.1.

⁴³¹ KAB CSC 1/2/1/99, no.2, KAB CSC 1/2/1/99, no.3, KAB CSC 1/2/1/99, no.2, KAB CSC 1/2/1/99, no.6, KAB CSC 1/2/1/99, no.6, KAB CSC 1/2/1/99, no.1, KAB CSC 1/2/1/99, no.9, KAB CSC 1/2/1/100, no.1 and KAB CSC 1/2/1/100, no.2.

⁴³² KAB CSC 1/2/1/100, no.3.

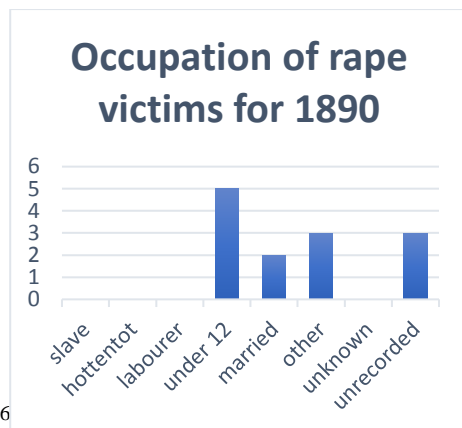
⁴³³ KAB CSC 1/2/1/101, no.5, KAB CSC 1/2/1/101, no.1, KAB CSC 1/2/1/101, no.3, KAB CSC 1/2/1/102, no.5, KAB CSC 1/2/1/102, no.4 and KAB CSC 1/2/1/102, no.3.

⁴³⁴ KAB CSC 1/2/1/102, no.2, KAB CSC 1/2/1/102, no.4, KAB CSC 1/2/1/102, no.2, KAB CSC 1/2/1/103, no.1, KAB CSC 1/2/1/103, no.5 and KAB CSC 1/2/1/103, no.5.

⁴³⁵ KAB CSC 1/2/1/103, no.5, KAB CSC 1/2/1/103, no.5, KAB CSC 1/2/1/103, no.7, KAB CSC 1/2/1/103, no.8, KAB CSC 1/2/1/103, no.4, KAB CSC 1/2/1/103, no.6, KAB CSC 1/2/1/104, no.2, KAB CSC 1/2/1/104, no.3 and KAB CSC 1/2/1/104, no.3.



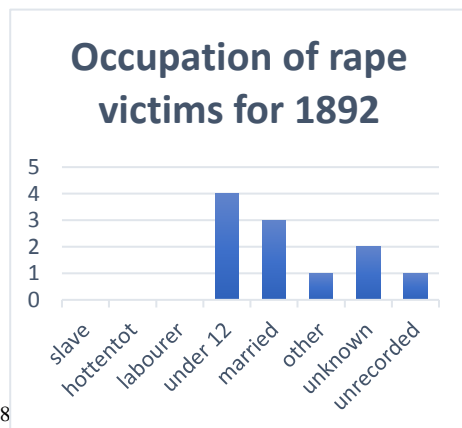
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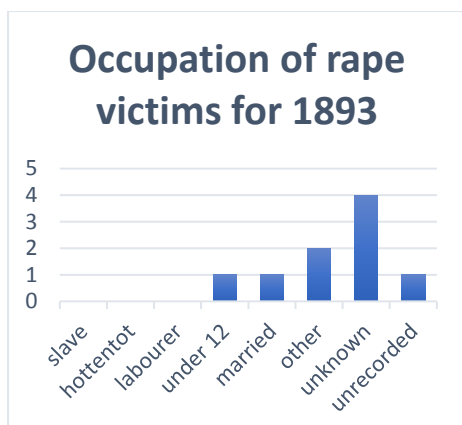
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⁴³⁶ KAB CSC 1/2/1/104, no.1, KAB CSC 1/2/1/104, no.2, KAB CSC 1/2/1/104, no.2, KAB CSC 1/2/1/104, no.1, KAB CSC 1/2/1/104, no.5, KAB CSC 1/2/1/104, no.6, KAB CSC 1/2/1/104, no.3, KAB CSC 1/2/1/104, no.1, KAB CSC 1/2/1/104, no.2, KAB CSC 1/2/1/104, no.2, KAB CSC 1/2/1/104, no.1, KAB CSC 1/2/1/104, no.7, KAB CSC 1/2/1/105, no.6, KAB CSC 1/2/1/105, no.5, KAB CSC 1/2/1/105, no.1, KAB CSC 1/2/1/105, no.6, KAB CSC 1/2/1/105, no.1 and KAB CSC 1/2/1/105, no.2.

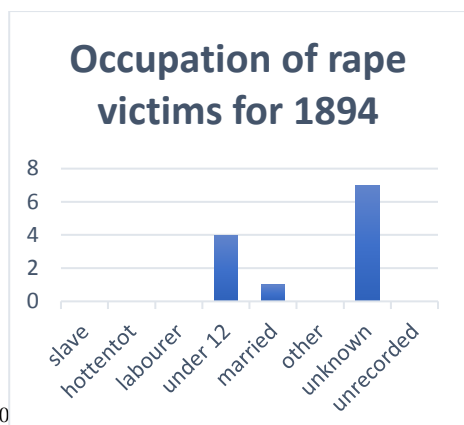
⁴³⁷⁴³⁷ KAB CSC 1/2/1/105, no.4, KAB CSC 1/2/1/105, no.5, KAB CSC 1/2/1/105, no.1, KAB CSC 1/2/1/105, no.5, KAB CSC 1/2/1/105, no.2, KAB CSC 1/2/1/105, no.1, KAB CSC 1/2/1/105, no.5, KAB CSC 1/2/1/105, no.7, KAB CSC 1/2/1/105, no.1, KAB CSC 1/2/1/105, no.3, KAB CSC 1/2/1/106, no.4, KAB CSC 1/2/1/106, no.2 and KAB CSC 1/2/1/106, no.3.

⁴³⁸⁴³⁸ KAB CSC 1/2/1/106, no.10, KAB CSC 1/2/1/107, no.4, KAB CSC 1/2/1/107, no.1, KAB CSC 1/2/1/107, no.1, KAB CSC 1/2/1/107, no.4, KAB CSC 1/2/1/107, no.1, KAB CSC 1/2/1/107, no.3, KAB CSC 1/2/1/107, no.5, KAB CSC 1/2/1/107, no.8, KAB CSC 1/2/1/107, no.13, KAB CSC 1/2/1/107, no.20, KAB CSC 1/2/1/107, no.3, KAB CSC 1/2/1/107, no.6, KAB CSC 1/2/1/107, no.6, KAB CSC 1/2/1/107, no.8, KAB CSC 1/2/1/107, no.9 and KAB CSC 1/2/1/108, no.5.

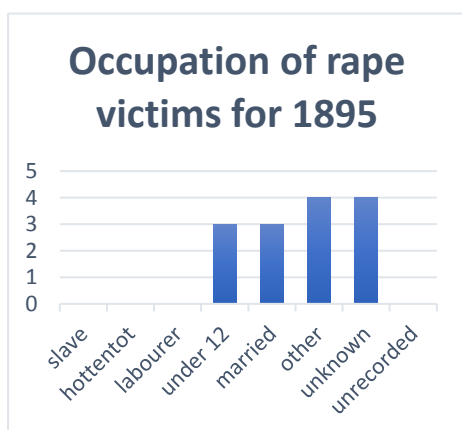
⁴³⁹⁴³⁹ KAB CSC 1/2/1/108, no.1, KAB CSC 1/2/1/109, no.6, KAB CSC 1/2/1/109, no.1, KAB CSC 1/2/1/110, no.6, KAB CSC 1/2/1/110, Esau, KAB CSC 1/2/1/110, no.2, KAB CSC 1/2/1/110, no.5, KAB CSC 1/2/1/110, no.8, KAB CSC 1/2/1/110, no.12, KAB CSC 1/2/1/110, no.16 and KAB CSC 1/2/1/111, no.11.



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⁴⁴⁰ KAB CSC 1/2/1/110, no.17, KAB CSC 1/2/1/110, no.2, KAB CSC 1/2/1/111, no.14, KAB CSC 1/2/1/111, no.1, KAB CSC 1/2/1/112, no.2, KAB CSC 1/2/1/112, no.9, KAB CSC 1/2/1/112, no.3, KAB CSC 1/2/1/112, no.4, and KAB CSC 1/2/1/112, no.13.

⁴⁴¹ KAB CSC 1/2/1/112, no.8, KAB CSC 1/2/1/112, no.10, KAB CSC 1/2/1/113, no.3, KAB CSC 1/2/1/113, no.4, KAB CSC 1/2/1/113, no.9, KAB CSC 1/2/1/113, no.3, KAB CSC 1/2/1/113, no.2, KAB CSC 1/2/1/113, no.3, KAB CSC 1/2/1/113, no.14, KAB CSC 1/2/1/113, no.15, KAB CSC 1/2/1/114, no.9 and KAB CSC 1/2/1/113, no.11.

⁴⁴² KAB CSC 1/2/1/114, no.1, KAB CSC 1/2/1/114, no.2, KAB CSC 1/2/1/114, no.24, KAB CSC 1/2/1/114, no.6, KAB CSC 1/2/1/114, no.1, KAB CSC 1/2/1/114, no.1, KAB CSC 1/2/1/114, no.5, KAB CSC 1/2/1/115, no.8, KAB CSC 1/2/1/115, no.2, KAB CSC 1/2/1/115, no.1, KAB CSC 1/2/1/115, no.1, KAB CSC 1/2/1/115, no.3, KAB CSC 1/2/1/115, no.8 and KAB CSC 1/2/1/115, no.3.